

JOURNAL

OF THE

CONVENTION

FOR THE

FORMATION OF A CONSTITUTION

FOR THE

STATE OF IOWA,

BEGUN AND HELD AT IOWA CITY, ON THE FIRST MONDAY OF MAY,
EIGHTEEN HUNDRED AND FORTY-SIX.

IOWA CITY:
PRINTED BY ABRAHAM H. PALMER
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THE CONSTITUTION.

Article 1.

PREAMBLE AND BOUNDARIES.

We, the People of the Territory of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows :

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri, as established by the constitution of that State, adopted June 12th, 1820, crosses the said middle of the main channel of the said Des Moines river; thence westwardly, along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line, intersect the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river, to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's map; thence up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east, along said parallel of forty-three degrees and thirty minutes, until said parallel intersect the middle of the main channel of the Mississippi river thence down the middle of the main channel of said Mississippi river, to the place of beginning.

Article 2.**BILL OF RIGHTS.**

1. All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right at all times, to alter or reform the same, whenever the public good may require it.

3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principle or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this State.

6. All laws of a general nature shall have a uniform operation.

7. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated, and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and things to be seized.

9. The right of trial by jury shall remain inviolate; but the Gener-

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al Assembly may authorize trial by a jury of a less number than twelve men in inferior courts.

10. In all criminal prosecutions, the accused shall have a right to a speedy trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for his own witnesses, and to have the assistance of counsel.

11. No person shall be held to answer for a criminal offence, unless on presentment, or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger.

12. No person shall after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

13. The writ of Habeas Corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety require it.

14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

15. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, except in the manner prescribed by law.

16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

17. Excessive bail shall not be required. Excessive fines shall not be imposed; and cruel and unusual punishments shall not be inflicted.

18. Private property shall not be taken for public use without just compensation.

19. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

20. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

21. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

22. Foreigners who are, or who may hereafter become residents of

this State, shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native born citizens.

23. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

24. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

Article 3.

RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to, and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war, or public danger.

4. No person in the military, naval or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this state.

5. No idiot, or insane person, or persons convicted of any infamous crime, shall be entitled to the privileges of an elector.

6. All elections by the people, shall be by ballot.

Article 4.

OF THE DISTRIBUTION OF POWERS.

1. The powers of the government of Iowa shall be divided into three separate departments; the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any function appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

1. The Legislative authority of this State shall be vested in a Senate and House of Representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall

commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The sessions of the General Assembly shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members; unless the Governor of the State shall, in the interim, convene the General Assembly by proclamation.

3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the general election.

4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years; be a free white male citizen of the United States, and have been an inhabitant of this State or Territory one year next preceding his election; and at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the same time and place as representatives, they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

6. The number of Senators shall not be less than one-third nor more than one half the representative body, and at the first session of the General Assembly after this Constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen every two years.

7. When the number of Senators is increased they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. Each house shall choose its own officers and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offence,

and shall have all other powers necessary for a branch of the General Assembly of a free and independent state.

11. Every member of the General Assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall, at the desire of any two members present, be entered on the journals.

12. Senators and representatives, in all cases except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasion as, in the opinion of the house, may require secrecy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, except bills for revenue, which shall always originate in the House of Representatives, and may be amended, altered, or rejected by the other, and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

17. Every bill which shall have passed the General Assembly shall, before it become a law, be presented to the Governor. If he approve, he shall sign it, but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon the journal and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the General Assembly by adjournment prevent such return.

18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

19. The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When

sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

20. The Governor, Secretary of State, Auditor, Treasurer, and Judges of the Supreme and District Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust or profit under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the General Assembly may provide.

21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly: Provided, That offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmasters whose compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for and paid into the treasury, all sums for which he may be liable.

24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

25. Each member of the General Assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury of the State. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session: when convened in extra session by the Governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel; in going to and returning from their place of meeting, on the most usual route: Provided, however, That the members of

the first General Assembly under this constitution shall receive two dollars per day for their services during the entire session.

26. Every law shall embrace but one object, which shall be expressed in the title.

27. No law of the General Assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this State, by authority. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

28. No divorce shall be granted by the General Assembly.

29. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

30. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: I do solemnly swear, or affirm, (as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator, (or Representative, as the case may be,) according to the best of my ability. And members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

31. Within one year after the ratification of this constitution, and within every subsequent term of two years, for the term of eight years, an enumeration of all the white inhabitants of this state shall be made, in such manner as shall be directed by law. The number of Senators and Representatives shall, at the first regular session of the General Assembly after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each, and shall also, at every subsequent regular session, apportion the House of Representatives, and every other regular session the Senate for eight years; and the House of Representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-nine nor exceeding seventy-two.

32. When a Congressional, Senatorial, or Representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

33. In all elections by the General Assembly, the members thereof shall vote viva voce, and the votes shall be entered on the journal.

34. For the first ten years after the organization of the government, the annual salary of the Governor shall not exceed one thousand dollars; Secretary of State, five hundred dollars; Treasurer, four hundred dollars; Auditor, six hundred dollars; Judges of the Supreme and District Courts, each one thousand dollars.

Article 5.

EXECUTIVE DEPARTMENT.

1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be styled the Governor of the State of Iowa.

2. The Governor shall be elected by the qualified electors, at the time and place of voting for members of the General Assembly, and shall hold his office four years from the time of his installation, and until his successor shall be qualified.

3. No person shall be eligible to the office of Governor, who has not been a citizen of the United States, and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.

4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the General Assembly shall, by joint vote, choose one of said persons so having an equal and the highest number of votes, for Governor.

5. The Governor shall be commander-in-chief of the militia, the army, and navy of this state.

6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

7. He shall see that the laws are faithfully executed.

8. When any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

9. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

10. He shall communicate by message to the General Assembly, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

11. In case of disagreement between the two houses, with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next General Assembly.

12. No person shall, while holding any other office under the United States, or this State, execute the office of Governor, except as hereinafter expressly provided.

13. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment.

14. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

16. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the great seal of this state, signed by the Governor, and countersigned by the Secretary of State.

17. A Secretary of State, Auditor of Public Accounts, and Treasurer, shall be elected by the qualified electors, who shall continue in office two years. The Secretary of State shall keep a fair register of all the official acts of the Governor, and shall, when required, lay the same, together with all papers, minutes, and vouchers relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law.

18. In case of the impeachment of the Governor, his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.

19. If, during the vacancy of the office of Governor, the Secretary of State shall be impeached, displaced, resign, die, or be absent from the state, the powers and duties of the office of Governor shall devolve upon the President of the Senate; and should a vacancy occur by im-

peachment, death, resignation, or absence from the state, of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled.

Article 6.

JUDICIAL DEPARTMENT.

1. The Judicial power shall be vested in a Supreme Courts, District Courts, and such inferior courts, as the General Assembly may from time to time establish.

2. The Supreme Court shall consist of a Chief Justice and two Associates, two of whom shall be a quorum to hold court.

3. The Judges of the Supreme Court shall be elected by joint vote of both branches of the General Assembly, and shall hold their courts at such time and place as the General Assembly may direct, and hold their offices for six years, and until their successors are elected and qualified, and shall be ineligible to any other office during the term for which they may be elected. The Supreme Court shall have appellate jurisdiction only in all cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe. The Supreme Court shall have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals, and the Judges of the Supreme Court shall be conservators of the peace throughout the State.

4. The District Court shall consist of a Judge who shall be elected by the qualified voters of the district in which he resides, at the township election, and hold his office for the term of five years, and until his successor is duly elected and qualified, and shall be ineligible to any other office during the term for which he may be elected. The District Court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The Judges of the District Courts shall be conservators of the peace in their respective districts. The first session of the General Assembly shall divide the State into four districts. which may be increased as the exigencies require.

5. The qualified voters of each county, shall at the general election, elect one Prosecuting Attorney and one Clerk of the District Court, who shall be residents therein, and who shall hold their several offices for the term of two years and until their successors are elected and qualified.

6. The style of all process shall be "the State of Iowa" and all prosecutions shall be conducted in the name and by the authority of the same.

Article 7.

MILITIA.

1. The Militia of this State shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

Article 8.

STATE DEBTS.

1. The General Assembly shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object, or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each judicial district, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

Article 9.**INCORPORATIONS:**

1. No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

2. Corporations shall not be created in this State by special laws, except for political or municipal purposes, but the General Assembly shall provide, by general laws, for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law. The State shall not directly or indirectly, become a stockholder in any corporation.

Article 10.**EDUCATION AND SCHOOL LANDS.**

1. The General Assembly shall provide for the election, by the people, of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the General Assembly may direct.

2. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved, A. D. 1841, and all estates of deceased persons, who may have died without leaving a will, or heir; and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

3. The General Assembly shall provide for a system of common schools, by which a school shall be kept up and supported in each school.

district, at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

4. The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the General Assembly shall, from time to time, provide by law.

5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Article 11.

AMENDMENTS OF THE CONSTITUTION

1. If at any time, the General Assembly shall think it necessary to revise or amend this constitution, they shall provide by law for a vote of the people for or against a convention, at the next ensuing election for members of the General Assembly, in case a majority of the people vote in favor of a convention, said General Assembly shall provide for an election of Delegates to a convention, to be held within six months after the vote of the people in favor thereof.

Article 12.

MISCELLANEOUS.

1. The jurisdiction of Justices of the Peace shall extend to all civil cases, (except cases in chancery and cases where the question of title to any real estate may arise,) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding five hundred dollars.

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2. No new county shall be laid off hereafter, nor old county reduced, to less contents than four hundred and thirty two square miles.

3. The General Assembly shall not locate any of the public lands; which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands

actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

Article 13.

SCHEDULE.

1. That no inconvenience may arise from the change of a Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, contracts, claims and rights, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the Territory of Iowa, shall be as valid as if issued in the name of the State.

2. All the laws now in force in this Territory, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the General Assembly of this State.

3. All fines, penalties, and forfeitures, accruing to the Territory of Iowa, shall accrue to the use of the State.

4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the judicial department under this constitution, shall remain valid, and shall pass to, and may be prosecuted in the name of the State. And all bonds executed to the Governor of this Territory, or to any other officer in his official capacity, shall pass over to the Governor of the State, or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for, and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or may arise, before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the State.

5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and execute their respective offices and appointments until superceded under this constitution.

6. The first general election under this constitution, shall be held at such time as the Governor of the Territory, by proclamation, may appoint, within three months after its adoption, for the election of a Governor, two Representatives in the Congress of the United States, (un-

less Congress shall provide for the election of one Representative,) members of the General Assembly, and one Auditor, Treasurer, and Secretary of State. Said election shall be conducted in accordance with the existing election laws of this Territory, and said Governor, Representatives in the Congress of the United States, Auditor, Treasurer, and Secretary of State, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this Territory.

7. Until the first enumeration of the inhabitants of this State as directed by this Constitution, the following shall be the apportionment of the General Assembly :

The county of Lee shall be entitled to two Senators and five Representatives ;

The county of Van Buren, two Senators and four Representatives ;

The counties of Davis and Appanoose, one Senator and one Representative, jointly ;

The counties of Wapello and Monroe, one Senator jointly, and one Representative each ;

The counties of Marion, Polk, Dallas and Jasper, one Senator and two Representatives, jointly ;

The county of Des Moines, two Senators and four Representatives ;

The county of Henry, one Senator and three Representatives ;

The county of Jefferson, one Senator and three Representatives ;

The counties of Louisa and Washington, one Senator jointly, and one Representative, each ;

The counties of Keokuk and Mahaska, one Senator jointly, and one Representative each ;

The counties of Muscatine, Johnson and Iowa one Senator and one Representative jointly, and Muscatine one Representative, and Johnson and Iowa one Representative jointly ;

The counties of Scott and Clinton, one Senator jointly, and one Representative each ;

The counties of Cedar, Linn and Benton, one Senator jointly, the county of Cedar one Representative, and the counties of Linn and Benton, one Representative jointly ;

The counties of Jackson and Jones, one Senator and two Representatives ;

The counties of Dubuque, Delaware, Clayton, Fayette, Buchanan and Blackhawk, two Senators, and two Representatives jointly ;

And any country attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

8. The first meeting of the General Assembly under this Constitution shall be at such time as the Governor of the Territory may, by proclamation, appoint, within four months after its ratification by the people, at Iowa City, in Johnson county, which place shall be the Seat of Government of the State of Iowa, until removed by law.

Done in Convention, at Iowa City, this 18th day of May, in the year of our Lord, one thousand eight hundred and forty six, and of the Independence of the United States of America the seventieth.

In Testimony Whereof, We have hereunto subscribed our names:

ENOS LOWE, President.

THOMAS DIBBLE,
ERASTUS HOSKINS,
DAVID GALLAND,
SULLIFAND S. ROSS,
SHEPHERD LEFFLER,
CURTIS BATES,
WILLIAM G. COOP,
JOHN RONALDS,
S. B. SHELLEDAY,
DAVID OLMSTED,
JOSEPH H. HEDRICK,
SANFORD HARNED,
G. W. BOWIE,
GEORGE HOBSON,
WAREHAM G. CLARK,
HENRY P. HAUN,

JOSIAH KENT,
GEORGE BERRY,
SOCRATES H. TRYON,
WILLIAM HUBBELL,
STEWART GOODRELL,
ALVIN SAUNDERS,
SYLVESTER G. MATSON,
S. A. BISSELL,
JOHN CONREY,
WILLIAM STEELE,
JOHN J. SELMAN,
JAMES GRANT,
THOMAS McCRAVEY,
FRANCIS K. O'FERRALL,
J. SCOTT RICHMAN,

Attest—WILLIAM THOMPSON, Secretary.

ORDINANCE.

Be it ordained by the Convention assembled to form a Constitution for the State of Iowa, in behalf of the people of said State, that the following propositions shall be made to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State,

1. Section number sixteen in every surveyed township of public lands, and where such section has been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of common schools.

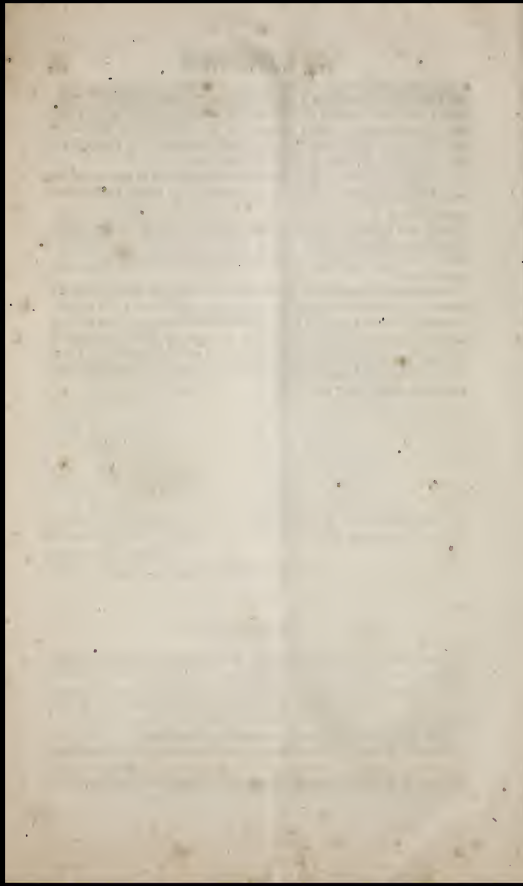
2. The seventy-two sections of land set apart and reserved for the use

and support of a University by an act of Congress, approved on the twentieth of July one thousand eight hundred and forty, entitled "An act granting two townships of land for the use of a University in the Territory of Iowa," shall be applied solely to the use and support of such University in such manner as the General Assembly may direct.

3. That one quarter section of land in each township be granted to the State for the purpose of purchasing a common school library for the use of such township.

4. That five per cent of the nett proceeds of the sales of all public lands lying within this State, which shall be sold by Congress after the admission of the State into the Union, shall be granted to the State for the use of common schools.

That in consideration of the grants specified in the four foregoing propositions, it is declared that this State will never interfere with the primary disposal of the soil within the same, by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bonafide purchaser thereof, and that no tax shall be imposed on lands, the property of the United States, and that in no case shall nonresident proprietors be taxed higher than resident.



JOURNAL OF THE CONVENTION.

The Convention to form a Constitution and State Government for the future State of Iowa, met at the Capitol in Iowa City, on Monday Morning, May 4th, A. D. 1846, pursuant to an act of the Legislative Assembly, entitled "An act to provide for the election of Delegates to a Convention to form a Constitution and State Government," Approved, January 17th. 1846.

The Convention was then called to order by JAMES GRANT, Esq., member elect from Scott county, on whose motion WILLIAM THOMPSON, of Henry county, was appointed Secretary *pro tem*.

The Secretary proceeded to call the several counties in their order, when the following named gentlemen from their respective counties, appeared, presented their credentials, and took their seats as members of the Convention, to-wit:

From the County of Des Moines—ENOS LOWE, SHEPHERD LEFFLER, and GEO. W. BOWIE.

From the County of Lee—JOSIAH KENT, DAVID GALLAND, and GEO. BERRY.

From the County of Van Buren—THOMAS DIBBLE, ERATUS HOSKINS, and WILLIAM STEELE.

From the County of Jefferson—SULLIFAND S. ROSS and WILLIAM G. COOP.

From the County of Henry—ALVIN SAUNDERS and GEORGE HOBSON.

From the County of Davis—JOHN J. SELMAN.

From the County of Wapello—JOSEPH H. HEDRICK.

From the Counties of Iowa, Marion, Polk and Jasper—JOHN CONERY.

From the County of Mahaska—STEPHEN B. SHELLDAY.

From the County of Keokuk—SANFORD HARNED.

From the County of Washington—STEWART GOODRELL.

From the County of Louisa—JOHN RONALDS.

From the County of Muscatine—J. SCOTT RICHMAN.

From the County of Johnson—CURTIS BATES.

From the Counties of Linn and Benton—SOCRATES H. TRYON.

From the County of Cedar—SAMUEL A. BISSELL.

From the County of Scott—JAMES GRANT.

From the County of Clinton—HENRY P. HAUN.

From the County of Jackson—WILLIAM HUBBELL.

From the County of Jones—SYLVESTER G. MATSON.

From the Counties of Dubuque, Delaware, Buchanan, Fayette and Blackhawk—THOMAS McCRAVEY, and FRANCIS K. O'FERRALL.

All the members but four being present.

On motion of Mr. Leffler,

Resolved, That the Convention do now proceed to the election of a President, *viva voce*.

Mr. Grant nominated Mr. Lowe, of Des Moines county.

Mr. Goodrell nominated Mr. Shelleday, of Mahaska county.

The vote was then taken,

When it appeared that Mr. Lowe had received 19 votes, and Mr. Shelleday 9 votes.

Those who voted for Mr. Lowe, were—Messrs. Bates, Bissell, Berry, Conery, Coop, Dibble, Galland, Grant, Hoskins, Haun, Hubbell, Kent, Leffler, Matson, McCravey, Ronalds, Ross, Shelleday, and Tryon.

Those who voted for Mr. Shelleday, were—Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, Lowe, O'Ferrall, Richman and Saunders.

Mr. Lowe having received a majority of all the votes given, was declared duly elected President of the Convention.

He was then conducted to the chair by Messrs. Grant and Shelleday, and delivered an appropriate address.

On motion of Mr. Bates,

The Convention proceeded to the election of a Secretary.

Mr. Bates nominated William Thompson, of Henry county.

On motion of Mr. Shelleday,

Mr. Thompson was declared unanimously elected Secretary.

On motion of Mr. Tryon,

The Convention proceeded to the election of a Sergeant-at-Arms.

On motion of Mr. Tryon,

Mr. William A. Skinner, of Linn county, was duly elected Sergeant-at-Arms.

On motion of Mr. Grant,

The Reverend Mr. Smith invoked a blessing from Deity upon the future labors of the Convention.

On motion of Mr. Ronalds,

Resolved, That a committee of three members be appointed to examine and report upon the credentials of members.

Messrs. Ronalds, Hubbell, and Matson, were appointed said committee.

On motion of Mr. Bates,

Resolved, That the rules of the late Convention for the formation of a Constitution for the future State of Iowa, with the exception of the 11th one, be adopted for the government of this Convention, until the Convention may see fit to alter them.

On motion of Mr. Haun,

The Convention adjourned until two o'clock, P. M.

Two O'Clock, P. M.

On motion of Mr. Coop,

Resolved, That A. H. Palmer, Editor of the Iowa Capital Reporter, do the incidental printing of the Convention; and that he be allowed such compensation as may hereafter be agreed upon by this Convention.

Mr. Bates offered the following:

Resolved, That the following Standing Committees be appointed, to consist of five members each, to wit:

- 1st. On Boundaries and Bill of Rights.
- 2nd. Executive Department.
- 3rd. Legislative Department, Suffrage, Citizenship, Education, and School Lands.
- 4th. Judicial Department.
- 5th. Incorporations, Internal Improvements, and State Debts.
- 6th. Schedule. Which,

On motion of Mr. Shelleday,

Was laid on the table.

On motion of Mr. Tryon,

David Olmsted, member elect from Clayton county, presented his credentials and took his seat as a member of the Convention.

On motion of Mr. Leffler,

The resolution of Mr. Bates, in regard to Standing Committees, was taken from the table.

The question being upon the adoption of the resolution, was decided in the affirmative.

So the resolution was adopted.

On motion of Mr. Shelleday.

Resolved, That the Editors of newspapers, and their Reporters, be admitted within the bar of this house.

Mr. Tryon offered the following:

Resolved, That each member of this Convention have the privilege of taking twenty-five copies, weekly, of such newspaper published in this Territory, as he may direct; and that the expense of the same be charged to the contingent expense of this Convention: provided, such publisher shall furnish said copies at thirty-seven and a half cents each for the session.

The consideration of which was laid over for one day.

On motion of Mr. Bowie,

Resolved, That a sufficient number of copies of the rules adopted by this Convention, be printed for the use of the members.

Mr. Grant presented for the consideration of the Convention an Article relative to "Preamble and Boundary;" which,

On motion of Mr. Grant,

Was referred to the committee on Boundary and Bill of Rights. It was also ordered that the usual number of copies be printed.

Mr. Ronalds, from the committee on Credentials, made the following report, to wit:

The committee appointed to examine the credentials of the members of this Convention, would respectfully submit the following report:

The following persons have produced legal certificates of their election, to wit:

From the county of Des Moines.—Enos Lowe, Shepherd Leffler, and Geo. W. Bowie.

From the county of Lee.—Josiah Kent, David Galland, and George Berry.

From the county of Van Buren.—Thomas Dibble, Erastus Hoskins, and Wm. Steele.

From the county of Jefferson.—Sullifand S. Ross, and Wm. G. Coop.

From the county of Henry.—Alvin Saunders, and Geo. Hobson.

From the county of Davis.—John J. Selman.

From the county of Wapello.—Joseph H. Hedrick.

From the counties of Iowa, Marion, Polk, and Jasper.—John Conery.

From the county of Mahaska.—Stephen B. Shelleday.

From the county of Keokuk.—Sanford Harned.

From the county of Washington.—Stewart Goodrell.

From the county of Louisa.—John Ronalds.

From the county of Muscatine.—J. Scott Richman.

From the county of Johnson.—Curtis Bates.

From the counties of Linn and Benton.—Socrates H. Tryon.

From the county of Scott.—James Grant.

From the county of Clinton.—Henry P. Haun.

From the county of Jackson.—Wm. Hubbell.

From the county of Jones.—Sylvester G. Matson.

From the county of Clayton.—David Olmsted.

From the counties of Dubuque, Delaware, Buchanan, Fayette, and Blackhawk.—Thomas McCraney, and Francis K. O'Ferrall.

Your committee would further report, that Samuel A. Bissell, of Cedar, appeared without a certificate, but the committee being satisfied that he was duly elected would respectfully recommend that he be entitled to a seat in this convention.

JOHN RONALDS, Chairman.

On motion of Mr. Ross,

The report was concurred in.

Mr. President announced the following Standing Committee, to wit:

On Boundaries and Bill of Rights.—Messrs. Grant, Bowie, Berry, Haun, and Dibble.

On motion of Mr. Shelleday,

The Convention adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, May 5, 1846.

The Convention met pursuant to adjournment.

On motion of Mr. Ross,

Resolved, That so much of the eighteenth rule as requires the President to call for resolutions "by counties in the order in which they stand on the Journal," shall be so altered as to require him to call for Resolutions generally."

Mr. Grant from the committee "on Boundaries and Bill of Rights" to which was referred an Article on "Preamble and Boundaries," reported the same back to the Convention without amendment.

Said Article is in the words following, to wit :

PREAMBLE AND BOUNDARIES.

We the people of the Territory of Iowa, by our Representatives in convention assembled at Iowa City, on Monday the fourth day of May, in the year of our Lord one thousand eight hundred and forty-six, grateful to the Supreme Being for the blessings hitherto enjoyed by us as a people, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows :

Beginning in the middle of the main channel of the Mississippi River opposite the mouth of the Des Moines River, thence up the middle of the main channel of the Mississippi River to the parallel of forty-three and a half degrees of North Latitude, thence West along said parallel, until it intersects the middle of the main channel of the Calumet or Big Sioux River, thence down said river until it intersects the middle of the main channel of the Missouri River, thence down the middle of the main channel of the Missouri River until it intersects the North-west corner of the State of Missouri, thence Easterly along the Northern boundary of the State of Missouri to the place of beginning.

Mr. Grant from the same committee reported the following Bill of Rights which was laid on the table and ordered to be printed ; to wit :

BILL OF RIGHTS.

1. All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people ; and they have the right at all times, to alter or reform the same, whenever the public good may require it.

3. The Legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or

other rates, for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified for the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. All laws of a general nature shall have a uniform operation.

6. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

7. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and things to be seized.

8. The right of trial by jury shall remain inviolate; but the Legislature may authorize trial by a jury of a less number than twelve men in the inferior courts.

9. In all criminal trials, the accused shall have a right to a speedy trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for his own witnesses, and to have the assistance of counsel.

10. No person shall be held to answer for a criminal offence, unless on presentment, or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger.

11. No person shall after acquittal be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

12. The writ of Habeas Corpus shall not be suspended unless in case of rebellion or invasion, the public safety require it.

13. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace, and in

time of war no appropriation for a standing army shall be for a longer time than two years.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in manner prescribed by law.

15. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

16. Excessive bail shall not be required. Excessive fines shall not be imposed; and cruel and unusual punishments shall not be inflicted.

17. Private property shall not be taken for public use without just compensation.

18. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

19. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

20. No bill of attainder, ex post facto law, or law impairing the obligation of contract, shall ever be passed.

21. Foreigners who are residents of this State shall enjoy the same rights, in respect to possession, enjoyment, and descent of property, as native born citizens.

22. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

23. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

Mr. President announced the following standing committees to wit:

On the Executive Department—Messrs. Bissell, Saunders, Matson, Hoskins and Goodrell.

On the Legislative Department, Suffrage, Citizenship, Education and School Lands—Messrs. Leffler, Hubbard, Selman, Shelledy and Conery.

On the Judicial Department—Messrs. Haun, Galland, Hoskins, Harnerd, and O'Ferrall.

On Incorporations, Internal Improvements and State Debts—Messrs. Bates, Dibble, Grant, Olmsted and Ross.

On Schedule—Messrs. Tryon, McCraney, Kent, Conery and Richman.

Mr. Tryon made a motion to take up the resolution offered by him on yesterday, in regard to Newspapers.

Which was decided in the negative.

So the Resolution was not taken up.

On motion of Mr. Grant,

The Convention resolved itself into a committee of the whole Convention for the consideration of Article first, on Preamble and Boundaries,

Mr. Coop, in the Chair ; after some time spent therein, the committee rose and by their chairman reported progress, and asked leave to sit again.

Which was granted.

On motion of Mr. Richman,

The Convention adjourned until 2 o'clock, P. M.

Two O'Clock, P. M.

On motion of Mr. Shelledy,

W. G. Clark member elect from the counties of Appanoose and Monroe, presented his credentials and took his seat as a member of this Convention.

On motion of Mr. Grant,

The Convention resolved itself into a committee of the whole Convention for the further consideration of Article first, on "Preamble and Boundary," Mr. Coop in the chair.

And after some time spent therein, the committee rose and reported the same back with the following amendments, to wit:

1st. Strike out after the word "Iowa" in the first line the words "by our Representatives in Convention assembled at Iowa City on Monday the fourth day of May, in the year of our Lord one thousand eight hundred and forty six."

2d. Insert in the 13th line between the words "down" and "said river" the words, "*the middle of the main channel of.*"

And,

3rd. Insert in the 17th line between the words "Missouri" and "to the place of beginning," the words following, to wit: "As defined by the Constitution of that State, adopted on the 12th of June 1820."

All of which,

On motion of Mr. Tryon, were concurred in by the Convention.

On motion of Mr. Grant,

Ordered that the said Article be engrossed and read a third time on to-morrow.

On motion of Mr. Ross,

The rules were suspended in order that Article second, "Bill of Rights" might be taken up,

On motion of Mr. Ross,

Said Article was accordingly taken up and read a second time.

On motion of Mr. Grant,

The Convention resolved itself into a committee of the whole Convention for the consideration of said Article; Mr. Ross in the chair,

And after some time spent therein, the committee rose and by their chairman reported that the committee had made some progress and asked leave to sit again,

Which was granted.

On motion of Mr. Selman,

The Convention adjourned until 10 o'clock to-morrow morning.

Wednesday Morning, May 6. 1846.

The Convention met pursuant to adjournment.

Mr. Ross offered the following:

"Resolved, That A. H. Palmer, publisher of the Iowa Capital Reporter, be employed to print ——— number of Journals of this Convention in pamphlet form";

Which,

On motion of Mr. Coop,

Was laid on the table.

On motion of Mr. Shelleday,

Resolved, That the subjects of Suffrage and Citizenship, be referred to a committee consisting of Messrs. Coop, Ronalds, Steele, Hobson, and Hedrick.

Mr. Haun, from the Committee on the Judiciary, reported the following article on the Judiciary, to-wit:

1st. The Judicial power shall be vested in a Supreme Court, Dis-

trict Courts, and such other inferior courts, as the Legislature may from time to time establish.

2ND. The Supreme Court shall consist of a Chief Justice and two Associates, two of whom shall be a quorum to hold court.

3RD. The Judges of the Supreme Court to be elected by the qualified voters of the State, at a general election for State officers, to hold their courts within each Judicial district of the State, at such place as the Judges may choose, to hold their offices for five years, and until their successors are elected and qualified, and each to receive a salary of twelve hundred dollars per year, for the first five years, after which time, the General Assembly to fix their salaries. The Supreme Court shall have appellate jurisdiction only, in all cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe. The Supreme Court shall have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals, and the Judges of the Supreme Court shall be conservators of the peace throughout the State.

4TH. The District Court shall consist of a Judge who shall be elected by the qualified voters of the district in which he resides, and hold his office for the term of five years, and until his successor is duly elected and qualified. The District Court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The Judges of the District Courts shall be conservators of the peace in their respective districts. The first session of the General Assembly shall divide the State into four districts, which may be increased as the exigencies require.

5TH. The qualified voters of each county shall elect one Judge of Probate at a general election, who shall hold his office for the term of three years, and until his successor is duly elected and qualified.

6TH. The qualified voters of each county shall elect one Prosecuting Attorney, at a general election, who shall hold his office for three years.

7TH. The qualified voters of each judicial district shall elect, at a general election, one Clerk of the Supreme Court, who is a resident thereof, and who shall hold his office for five years.

8TH. The qualified voters of each county, at a general election, shall elect a Clerk of the District Court, who shall hold his office for five years, and until his successor is duly elected and qualified.

9TH. The style of all process shall be, "The State of Iowa;" and all

prosecutions shall be conducted in the name and by the authority of the same.

On motion of Mr. Leffler,

Ordered, That the usual number of copies of the report be printed.

On motion of Mr. Dibble,

Ordered, That a committee on Engrossment be appointed.

Messrs. Bates, Clark and O'Ferrall were appointed said committee.

On motion of Mr. Goodrell,

The vote taken on yesterday, ordering Article 1, on Preamble and Boundaries, to be engrossed and read a third time on this day, was reconsidered.

The question then being on engrossing and reading a third time,

Mr. O'Ferrall made a motion to postpone the further consideration thereof until Thursday morning next;

Which was decided in the affirmative,

Yeas 27 - Nays 1.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Goodrell, Haun, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, McCroney, O'Ferrall, Olmsted, Ronalds, Ross, Richman, Saunders, Selman, Shelleday, and Lowe, President.

Mr. Grant voted in the negative.

Mr. Hedrick made a motion that a standing committee on County Organization be appointed;

Which was decided in the negative.

On motion of Mr. Saunders,

The resolution offered by Mr. Tryon, in regard to newspapers, was taken from the table.

Mr. Rootman made a motion to amend the resolution by striking out "twenty five," and inserting "fifteen";

Which was decided in the negative.

The question was then put on the adoption of the resolution, and decided in the affirmative,

Yeas 9 - Nays 21.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Bissell, Bowie, Hobson, Matson, O'Ferrall, Olmsted, Richman and Saunders.

Those who voted in the negative, were

Messrs. Berry, Clark, Conery; Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Kent, Leffler, McCraney, Ronalds, Ross, Selman, Shelleday, and Lowe, President.

So the resolution was not adopted.

On motion of Mr. Grant,

The convention resolved itself into a committee of the whole Convention for the further consideration of Article 2d, "Bill of Rights," Mr. Ross in the chair;

After some time spent therein the committee rose, Mr. President took his seat,

And the committee by its Chairman reported the Article back to the Convention with the following amendments, to wit:

1st. Strike out in the second line of the 8th section between the words "in" and "inferior" the word "the."

2nd. Insert in the first line of the 21st section, between the words "are" and "residents," the words, "or who may hereafter become."

And 3rd. Add a new section, to occupy the place of the 23rd section, making the twenty-third occupy that of the twenty-fourth, in the words following, to wit:

"Any person who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the Constitution and laws of this State."

On motion of Mr. Bates,

The Convention adjourned until 2 o'clock, P. M.

Two O'Clock, P. M.

Mr. Bates made a motion that the Convention concur in the amendments of the committee to the Bill of Rights.

Pending which,

Mr. Saunders made a motion to amend the third amendment of the committee, by inserting after the words "any person," in the first line the words, "being a citizen of this State."

Which was decided in the affirmative.

On motion of Mr. Grant,

Said amendment of the committee was further amended by striking out of the first line, after the word "any," the words "persons being a."

The question was then put on Mr. Bates' motion to concur in the amendments of the committee, and decided in the affirmative.

So the amendments were concurred in.

Mr. Bissell made a motion to amend the article, by inserting a new section, in the words following, to wit:

"The homestead of a family, not to exceed forty acres, (not included in a town or city,) with the buildings thereon, not exceeding in value four hundred dollars, or any town or city lot, with the buildings thereon, not exceeding in value four hundred dollars, shall not be subject to forced sale for any debts or liabilities."

Which was decided in the negative,

Yeas 5—Nays 22.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Bissell, Clarke Hubbell, and Selman.

Those who voted in the negative, were

Messrs. Berry, Bowie, Conrey, Coop, Galland, Grant, Goodrell, Hoskins, Harned, Hedrick, Hobson, Lefler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Richman, Saunders, Shelleday, and Lowe, President.

So the amendment was disagreed to.

On motion of Mr. Berry,

Ordered, That the twenty-third section be placed between the fourth and fifth sections of said article, and the sections numbered accordingly.

Mr Bissell made a motion to amend the first line of the eleventh section, by striking out the words "criminal offence," and inserting the word "felony."

Which was decided in the negative,

Yeas 5—Nays 20.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bissell, Galland, Goodrell, McCraney, and O'Ferrall.

Those who voted in the negative, were

Messrs. Bates, Berry, Bowie, Conrey, Coop, Grant, Hoskins, Hubbell, Harned, Hedrick, Kent, Lefler, Matson, Ronalds, Ross, Richman, Saunders, Selman, Shelleday, and Lowe, President.

So the amendment was disagreed to.

On motion of Mr. Grant,

Ordered, That said article be engrossed and read a third time to-morrow.

On motion of Mr. Shelleday,
The Convention adjourned until 9 o'clock to-morrow morning.

Thursday Morning, May 7, 1846.

The Convention met pursuant to adjournment.

Mr. Richman offered the following:

Resolved, That when this Convention adjourn to day, it adjourn to meet at Bloomington in the county of Muscatine on Monday next at 12 o'clock, M.

Mr. Ross offered the following as a substitute to said resolution:

Resolved, That the Convention now in session at Iowa City, in accordance with an act passed by the Legislative body of this Territory for the purpose of framing a Constitution for the future State of Iowa, finding it so unhealthy at this time by the confinement of several of the members of this body, by sickness, that it will be impossible to set here any longer to transact the business of the people—therefore,

Be it Resolved, That they do now adjourn to meet at the town of Fairfield in the county of Jefferson on the day of ——— to form said Constitution for the future State of Iowa.

Mr. Saunders offered to amend the substitute as follows:

Resolved, That when this Convention adjourn to day, that it adjourn to meet at Mount Pleasant, in Henry county on Monday next at 12 o'clock, M.

Which resolution, substitute, and amendment, gave rise to debate and thereupon their further consideration was laid over until to-morrow for discussion.

Mr. Bates offered the following:

Resolved, That George S. Hampton is hereby appointed Assistant Secretary to this Convention for the balance of the Session.

Which was adopted.

Mr. Coop, from the committee on Suffrage and Citizenship, made the following report, to wit:

JOURNAL OF RIGHT OF SUFFRAGE.

1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to, and returning therefrom.

3. No elector shall be obliged to perform militia duty on the day of election, except in time of war, or public danger.

4. No person in the military, naval, or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack or military or naval place or station within this State.

5. No idiot or insane person, or person declared infamous by act of the General Assembly, shall be entitled to the privileges of an elector.

6. All elections by the people, shall be by ballot.

On motion of Mr. Bates,

It is ordered, That the usual number of copies of the report be printed.

Mr. Bates from the committee on Incorporations, Internal Improvements and State Debts made the following report, to wit:

INCORPORATIONS.

1. No corporate body shall be hereafter created, renewed or extended, with banking or discounting privileges.

2. The stockholders in all private corporations, except corporations for the purposes of education, charity, or religion, shall be responsible in their individual and private capacity for all debts and liabilities of every kind, incurred by such incorporation.

3. The Legislature have the power to amend, alter or repeal all laws creating private incorporations.

STATE DEBTS.

1. The Legislature shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand

dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorised by some law for some single object, or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in newspapers in the State for three months preceding the election at which it is submitted to the people.

On motion of Mr. Coop,

It is ordered, That the usual number of copies of the report be printed.

On motion of Mr. Goodrell,

The Article on Preamble and Boundaries was taken up.

Mr. Olmsted offered the following amendment:

Beginning in the middle of the main channel of the Mississippi river opposite the mouth of the Des Moines river, thence up the middle of the main channel of said Des Moines river to a point where it is intersected by the old Indian Boundary line or the line, run by John C. Sullivan in the year 1816; thence westwardly along said line to the north-west corner of the State of Missouri; thence due west to the middle of the main channel of the Missouri river, thence up the middle of the main channel of said river to the mouth of the Sioux or Calumet river, thence in a direct line to the middle of the main channel of the St. Peters river where the Watonwan river enters the same, thence down the middle of the main channel of the said St. Peters river to the middle of the main channel of the Mississippi river, thence down the middle of the main channel of said river to the place of beginning.

On motion of Mr. Shelleday,

A call of the Convention was ordered.

Whereupon it appeared that Messrs. Grant, Haun and Tryon were absent.

On motion of Mr. Shelleday,

The further call of the Convention was dispensed with.

On motion of Mr. Shelleday,

Ordered, That the Article on Preamble and Boundaries be laid on the table.

On motion of Mr. Bates,

Ordered, That a committee of Revision be appointed, whose duty it shall be to collect, compare, and digest the various reports of a constitution preparatory to their third reading.

Messrs. Shelleday, Lefler and Clarke were appointed said committee.

Mr. Hobson moved that the convention resolve itself into committee of the whole for the consideration of the Article on the Judiciary.

Which was not agreed to.

On motion of Mr. Shelleday,

Ordered, That Messrs. Bates and Bowie be added to the committee on revision.

Mr. Saunders moved that the convention adjourn until two o'clock.

Which was decided in the negative.

On motion of Mr. Shelleday.

Ordered, That a committee be appointed to examine the old convention room and report whether it will be expedient for it to be prepared for the deliberations of this Convention.

Messrs. Shelleday, Matson and Hoskins were appointed said committee.

Mr. Shelleday from the Committee appointed to examine the old convention room, made a report and recommended the fitting up of the room for the use of this convention.

Which,

On motion of Mr. Harned,

Was adopted.

On motion of Mr. Shelleday,

Ordered, That the Sergeant at Arms be authorized to employ the necessary help, and that he fit up the old convention room by two o'clock for the use of this convention.

On motion of Mr. Bissell,

The Convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Leffler,

Ordered, That the report of the committee on the Judiciary be taken up for consideration.

On motion of Mr. Richman,

Ordered, That the report be read by sections.

The first section being read,

On motion of Mr. Hubbell,

Ordered, That that the same be amended by striking out of the second line the word "other" where it occurs between the words "such" and "inferior" in said section.

Mr. Dibble moved to amend the first section by striking out the words "and such inferior" and inserting in lieu thereof the words "Probate and Justices."

Which was decided in the negative.

Mr. Bowie moved to amend the report by adding the following as the 3rd section; to wit:

"The Governor shall nominate and by and with the advice and consent of two thirds of the Senate, shall appoint the Judges of the Supreme and District Courts.

Mr. Richman offered the following as a substitute for the amendment offered by Mr. Bowie—to wit:

The Judges of the Supreme court shall be appointed by the Governor and confirmed by two thirds of the Senate and shall hold their office during good behaviour, subject to removal upon the address of two thirds of both branches of the Legislature to the Governor.

Mr. Olmsted moved that the Convention adjourn until to-morrow morning, 10 o'clock.

Which was decided in the negative.

On motion of Mr. Hubbell,

The Convention adjourned until to-morrow morning, 9 o'clock.

Friday Morning, May 8, 1846.

The Convention met pursuant to adjournment.

Mr. Leffler from the Committee on the Legislative Department made the following Report:

1. The Legislative authority of this State shall be vested in a Senate and House of Representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2 The sessions of the General Assembly shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members, unless the Governor of the State shall in the interim convene the General Assembly by proclamation.

3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the general election.

4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State or Territory, one year next preceding his election, and who shall not, at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the same time and place as Representatives. They shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

6! The number of Senators shall not be less than one third nor more than one half the Representative body; and at the first session of the General Assembly after this constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators for the first class shall be vacated at the expiration of the second year, so that one half shall be chosen every two years.

7. When the number of Senators is increased they shall be annex-

ed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. The House of Representatives, when assembled, shall choose a speaker and its other officers, and the Senate shall appoint its own officers except the President; and each body shall judge of the qualifications, elections, and returns of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the General Assembly of a free and independent State.

11. Every member of the General Assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question shall, at the desire of any two members present, be entered on the journals.

12. Senators and Representatives, in all cases except for treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

13. When vacancies occur in either house, the governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasion as in the opinion of the house, may require secrecy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, and be amended, altered or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

17. Every bill which shall have passed the general assembly shall, before it become a law, be presented to the Governor. If he approve,

he shall sign it; but if not, he shall return it with his objections, to the house in which it shall have originated, who shall enter the same upon the journal and proceed to reconsider it; if, after such reconsideration, it again pass both houses by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly by adjournment prevent such return.

18. No money shall be drawn from the treasury but in consequence of appropriations made by law.

19. An accurate statements of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the General Assembly.

20. The House of Representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation, no person shall be convicted without the concurrence of two thirds of the members present.

21. The Governor, lieutenant Governor, Secretary of State, Auditor, Treasurer and Judges of the Supreme and District courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than to removal from office, and disqualification to hold any office of honor, trust or profit under this state; but the party convicted or acquitted shall nevertheless be liable and subject to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the General Assembly may provide.

22. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this this state, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

23. No person holding any lucrative office under the United States or this State, or any other power, shall be eligible to the General Assembly; Provided, that, offices in the militia to which there is attached no annual salary, or the office of justice of the peace, or post masters whose per centage shall not amount to more than three hundred dollars, shall not be deemed lucrative.

24. No person who may hereafter be a collector or holder of public

moneys shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this state until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

25. Each member of the General Assembly shall receive a compensation to be fixed by law for his services; to be paid out of the treasury of the state. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per pay for the remainder of the session; when convened in extra session by the governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel, in going to and returning from their place of meeting on the most usual route; provided however, that the members of the first legislature under this constitution, shall receive two dollars per day for their services during the entire session.

26. Every law shall embrace but one object, which shall be expressed in the title.

27. No law of the General Assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this State by authority; If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

28. No divorce shall be granted by the General Assembly.

29. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

30. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States and the constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my ability;" and members elect of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

31. Within two years after the first meeting of the General Assembly under this constitution, and within every subsequent term of four years for the term of sixteen years, an enumeration of all the white inhabitants of this state shall be made, in such manner as shall be directed by law. The number of Senators and Representatives shall, at the

first regular session of the legislature after such an enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and the house of representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such ratio that the whole number of Representatives shall never be less than thirty-nine nor exceeding seventy-two.

32. When a senatorial and representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a senatorial or representative district.

33. In all elections by the General Assembly, the members thereof shall vote viva voce, and the votes shall be entered on the journal.

34. For the first ten years after the organization of the government, the annual salary of the Governor shall not exceed——dollars; Secretary of state——dollars; Treasurer,——dollars; Auditor,——dollars; Judges of the Supreme and District courts, each,——dollars.

Which was read a first time.

On motion of Mr. Bowie,

Ordered that forty copies be printed.

Mr. Lefler from the committee on Education and School Lands made the following report, to wit.

EDUCATION AND SCHOOL LANDS.

1. The Legislature, by joint vote, may appoint a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. 1841, and all estates of deceased persons, who may have died without leaving a will, or heirs, and also such per cent.

as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of common schools throughout the State.

3. The Legislature shall, provide for a system of common schools, by which a school shall be kept up and supported in each school district, at least three months in every year; and any school district neglecting to keep up and support such a school, may be deprived of its equal proportion of the interest of the public fund during such neglect.

4. As soon as the circumstances of the State will permit, the Legislature shall provide for the establishment of libraries—one at least in each township; and the moneys which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws, shall be exclusively applied to the support of said libraries.

5. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved or granted by the United States, or any person or persons, to this State, for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund for the support of said University, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

Which was read a first time.

On motion of Mr. Ross,

Ordered, That forty copies be printed.

The consideration of the report of the Judiciary Department was resumed.

On motion of Mr. Bissell,

Ordered, That the further consideration of the report of the Judiciary Department be postponed until Monday next.

Mr. Bissell moved that the resolutions offered yesterday in relation to the adjournment of this Convention to other places, be indefinitely postponed.

Which was decided in the affirmative.

On motion of Mr. Shelleday,

The report of the committee on Preamble and Boundaries, was taken from the table.

On motion of Mr O'Ferrall,

A call of the Convention was ordered.

Whereupon, it appeared that Messrs. Grant, Haun, Olmsted, and Tryon, were absent.

Messrs. Olmsted and Tryon appeared in their seats.

On motion of Mr. Steele,

The further call of the Convention was dispensed with.

The Report of the committee on Preamble and Boundaries, being under consideration ;

The question being on the amendment offered by Mr. Olmsted on yesterday,

Mr. Saunders offered to amend the amendment as follows :

Insert after the words "Calumet river," the following, "thence up the middle of the main channel of the same, to the 44th degree of North latitude, thence East with said 44th degree of North latitude, to the middle of the main channel of the Mississippi river, thence down the middle of the main channel of the same to the place of beginning "

The question being on the amendment to the amendment, and

The yeas and nays being demanded, were as follow :

Yeas 3—Nays 27.

Those who voted in the affirmative, were

Messrs. Clarke, Conery, and Saunders.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Bowie, Coop, Dibble, Galland, Goodrell, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Richman, Steele, Selman, Shelleday, Tryon, and Mr. President:

The amendment to the amendment was not agreed to.

The question then recurring on the amendment offered by Mr. Olmsted.

The yeas and nays were demanded by two members, and were as follow :

Yeas 22—Nays 8.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Bowie, Conery, Coop, Goodrell, Hubbell, Harned, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall,

Olmsted, Ronalds, Ross, Richman, Saunders, Tryon, and Mr. President.

Those who voted in the negative, are

Messrs. Clarke, Dibble, Galland, Hoskins, Hobson, Steele, Selman, and Shelleday.

So the amendment was agreed to.

Mr. Ronalds moved to amend by striking out the word "opposite," insert "due east of."

Which was agreed to.

On motion of Mr. Bates,

Ordered, That the report be engrossed and referred to the committee on Revision.

On motion of Mr. Leffler,

Ordered, That the rules be suspended, and that the report of the committee on Education and School Lands be now taken up for consideration.

Which report was read a second time.

Mr. Shelleday moved to amend by striking out the word "Legislature," wherever it occurs, and insert the words "General Assembly."

Which was agreed to.

Mr. Hedrick moved to amend the first section by striking out the words, "by joint vote may appoint," and insert, "shall provide for the election by the people of."

Which was agreed to.

Mr. Harned moved to amend the second section, as follows:

Strike out the word "have," in the seventh line of the second section, so as to read of deceased persons who may die, &c.

Mr. Saunders moved to amend the amendment by striking out the word "deceased," in the seventh line.

Which was not agreed to.

The question then recurred on the amendment offered by Mr. Harned.

Which was not agreed to.

Mr. Dibble offered to amend the report as follows:

After the word "lands" tenth line, insert "and such other means as the General Assembly may provide."

Which was agreed to.

Mr. Coop offered to amend the second section by inserting after the word "State," in the tenth line, the following:

"All monies paid as an equivalent for exemption from military duty;

and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws of the State."

On which the yeas and nays were demanded, and were as follow :
Yeas 8 - Nays 18.

Those who voted in the affirmative, were
Messrs. Berry, Coop, Galland, Kent, Olmsted, Ross, Steele, and Mr. President.

Those who voted in the negative, were
Messrs. Bates, Clarke, Conery, Dibble Goodrell, Hoskins, Hubbell, Harned, Hedrick, Hobson, Leffler, Matson, Ronalds, Richman, Saunders, Selman, Shelleday, and Tryon.

So the amendment was not agreed to.

Mr. Tryon moved to amend the third section by striking out the word "may," in the fourth line, and inserting the word "shall."

Mr. Selman moved that the Convention adjourn until two o'clock, P. M.

Which was decided in the negative.

The question then recurring on the amendment offered by Mr. Tryon.

Which was not agreed to.

Mr. Hubbell moved to amend the report by striking out the word "Township," and inserting "precinct," wherever it occurs.

Mr. Hedrick moved to amend the amendment by inserting before the word "township" the word "organized."

Which was not agreed to.

The question then recurring on the amendment offered by Mr. Hubbell.

Which was not agreed to.

Mr. Ross moved to amend by inserting before the word township, the words "organized Congressional."

Which was not agreed to.

On motion of Mr. Steele,

The Convention adjourned until two o'clock, P. M.

Two O'Clock, P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on Education and School Lands.

Mr. Bates moved to amend the report by striking out the fourth section, and inserting the following, to wit:

"The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the General Assembly shall from time to time provide by law."

Which was agreed to.

On motion of Mr. Coop,

Ordered, That the report be engrossed and referred to the committee on Revision.

Mr. Coop moved a reconsideration of the vote ordering the report on Education and School Lands to be engrossed and referred to the committee on Revision.

Which was decided in the affirmative.

Mr. Shelleday moved to amend the fifth section, by inserting after the word "and," in the third line, "interest of."

Which was agreed to.

Mr. Shelleday moved a reconsideration of the vote amending the fifth section.

Which was decided in the affirmative.

He then withdrew his motion.

Mr. Shelleday moved to amend the fifth section by striking out the word "for," in the fifth line, and inserting "the interest of which shall be applied to."

Which was agreed to.

On motion of Mr. Hedrick,

Ordered, That the report be engrossed and referred to the committee on Revision.

The report of the committee on Suffrage and Citizenship, being in order, was taken up.

Mr. Shelleday moved to amend the sixth section by striking out the words "by ballot," and inserting "viva voce."

On which the yeas and nays was demanded by two members,

Which were ordered, and were as follow :

Yeas 7—Nays 22.

Those who voted in the affirmative, were

Messrs. Bates, Harned, Olmsted, Saunders, Selman, Shelleday, and Tryon

Those who voted in the negative, were

Messrs. Berry, Bissell, Bowie, Clarke, Conery, Coop, Dibble, Galland, Goodrell, Hoskins, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Richman, Steele, and Mr. President.

So the amendment was not agreed to.

Mr. Ross offered the following amendment :

"Sec. 2. That all white foreigners who have resided in this state twelve months, and who have declared their intentions to become citizens of the United States, shall be entitled to the right of suffrage."

Mr. Tryon offered the following as a substitute to said amendment, to wit :

"Sec. 2. All white aliens, who shall have resided in any county or district the time prescribed by section first, and shall have taken an oath of allegiance shall be entitled to the right of suffrage."

On which the yeas and nays being demanded by two members, and were as follow :

Yeas 14—Nays 14.

Those who voted in the affirmative, were

Messrs. Bowie, Hoskins, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Saunders, Steele, Selman, Shelleday, and Tryon.

Those who voted in the negative, were

Messrs. Bates, Berry, Conery, Coop, Dibble, Galland, Goodrell, Hubbell, Harned, Hobson, Ronalds, Ross, Richman, and Mr. President.

So the substitute to the amendment was not agreed to.

The question then recurred on the amendment offered by Mr. Ross.

Pending which,

Mr. Bowie moved a call of the Convention.

Which was decided in the negative.

Mr. Shelleday moved to lay the report upon the table.

Upon which the yeas and nays being demanded by two members, were as follow :

Yeas 13—Nays 15.

Those who voted in the affirmative, were

Messrs. Berry, Conery, Hoskins, Hubbell, Harned, Hedrick, Matson, Saunders, Steele, Selman, Shelleday, Tryon, and Mr. President.

Those who voted in the negative, were

Messrs. Bates, Bowie, Coop, Dibble, Galland, Goodrell, Hobson, Kent, Leffler, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, and Richman. So the motion was not agreed to.

Mr. Richman moved to amend the amendment by striking out the words "one year," and inserting "three months."

Upon which the yeas and nays being demanded by two members, were as follow :

Yeas 4—Nays 25.

Those who voted in the affirmative, were

Messrs. Bowie, Harned, Richman, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clarke, Conery, Coop, Dibble, Galland, Goodrell, Hoskins, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Saunders, Steele, Selman, Tryon, and Mr. President.

So the amendment to the amendment was not agreed to.

The question then recurring on the amendment offered by Mr. Ross.

Upon which the yeas and nays being demanded by two members, and were as follow :

Yeas 10—Nays 18.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Clarke, Conery, Coop, Kent, Leffler, McCraney, O'Ferrall, and Ross.

Those who voted in the negative, were

Messrs. Bissell, Bowie, Dibble, Galland, Goodrell, Hoskins, Harned, Hedrick, Hobson, Matson, Ronalds, Richman, Saunders, Steele, Selman, Shelleday, Tryon, and Mr. President.

So the amendment was not agreed to.

Mr. Tryon moved to lay the report on the table.

Which was decided in the negative.

Mr. Tryon moved to postpone the further consideration of the first section, and that the same be made the order of the day for to-morrow.

Which was decided in the negative.

Mr. Richman offered the following amendment to the fifth section: Strike out the words "declared infamous by act of the General Assembly," and insert, "convicted of any infamous crime."

Which was agreed to.

Mr. Dibble moved to amend the fifth section, by striking out the words "idiot or insane person."

Which was not agreed to.

On motion of Mr. Selman,

Ordered, That the report be engrossed and referred to the committee on Revision.

Mr. Bissell, from the committee on the Executive Department, made the following report :

EXECUTIVE DEPARTMENT.

1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

2. The Governor shall be elected by the qualified electors, at the time and place for voting for members of the Legislature, and shall hold his office two years from the time of his installation, and until his successor shall be qualified.

3. No person shall be eligible to the office of Governor, who is not a citizen of the United States, been a resident of the State two years next preceding the election, and who has not attained the age of thirty years at the time of said election.

4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint ballot, choose one of said persons so having an equal and the highest number of votes, for Governor.

5. The Governor shall be commander-in-chief of the militia, the army, and navy, of this State.

6. He shall transact all executive business with the officers of Government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

7. He shall take care that the laws be faithfully executed.

8. When any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

11. In case of disagreement between the two houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislative Assembly to such time as he may think proper; provided it be not to a period beyond the next meeting of the Legislature.

12. No person who is a member of Congress, or holding any other office under the United States or this State, shall execute the office of Governor.

13. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment, in such manner and upon such conditions as may be prescribed by law.

14. The Governor shall, at stated times, receive for his services, a compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

16. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the seal, signed by the Governor, and countersigned by the Secretary of State.

17. A Secretary of State, Auditor of Public Accounts, and Treasurer, shall be elected by the qualified electors, at the time and place of voting for Governor, who shall continue in office two years. The Secretary of State shall keep a fair register of all the official acts of the Governor, and shall, when required, lay the same, together with all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law.

18. In case of the impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Secretary of State, until such disability shall cease, or the vacancy be filled.

19. If, during the vacancy of the office of Governor, the Secretary of State shall be impeached, displaced, resign, die, or be absent from the State, the powers and duties of the office of Governor shall devolve upon the President of the Senate; and should a vacancy occur by impeachment, death, resignation, or absence from the State, of the President of the Senate, the Speaker of the House of Representatives shall act as Governor till the vacancy be filled.

Which was read the first time.

On motion of Mr. Ronalds,
Ordered, That the usual number of copies be printed.

On motion of Mr. Goodrell,
The Convention adjourned until 9 o'clock to-morrow morning.

Saturday Morning, May 9, 1846.

The Convention met pursuant to adjournment.

Mr. Bates from the committee on Engrossments reported the article on Preamble and Boundaries, correctly engrossed.

The report of the committee on Incorporations and State Debts, being in order was taken up.

Which was read a second time,

Mr. Richman offered the following amendment:

Amend by striking out the first, second and third sections of the report upon incorporations and insert

"Whereas, all sovereignty resides in the people, and the creation of a corporate body is one of the highest acts of sovereignty, therefore, this Convention conclude, that the people have the right, through their representatives, to grant such corporate privileges as may be deemed conducive to the public good."

On motion of Mr. Leffler,

Ordered, That the report be laid on the table and made the order of the day for Tuesday next.

The report of the committee on the Legislative Department being in order, was taken up.

Which was read a second time.

On motion of Mr. Bates,

The Convention resolved itself into committee of the whole on said report, Mr. Saunders in the chair,

And after some time spent therein, the committee rose and by their chairman reported progress and asked leave to sit again,

Which was granted.

On motion of Mr. Tryon,

The Convention adjourned until 2 o'clock, P. M.

Two O'Clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Hedrick,

The Convention resolved itself into committee of the whole, for the further consideration of the report of the committee on the Legislative Department; Mr. Saunders in the chair.

And after some time spent therein, the committee rose and by their chairman reported the same back with the following amendments:

1st. Strike out of the 8th section the following words, "except the president."

2nd. Insert in the 16th section after the words "House" in the 1st line, the following: "except bills for revenue which shall always originate in the House of Representatives."

3rd. Insert in the 17th section after the word "him" in the 8th line, the words "Sunday excepted."

4th. Strike out of the 21st section the words "Lieutenant Governor."

5th. Insert in the 23rd section, after the word "dollars" in the 5th line, the words "per annum."

6th. Strike out all after the word "whose" in the 4th line of the 23rd section, to the word "hundred" in the 5th line, and insert "compensation does not exceed one."

7th. Strike out of the 25th section in the 10th line, the word "Legislature" and insert "General Assembly."

8th. Add to the 26th section, after the word "title" in the 2nd line, the following:

"And whenever any law is in any way changed or amended the section or sections so altered or amended shall be entirely re-enacted."

9th. Strike out of the 31st section the words "two years" in the 1st line, and insert "one year,"

10th. Insert in the 32d section in the 1st line, the word "Congressional" between "a" and "Senatorial," and also insert in the 3rd line, the word "Congressional" between "a" and "Senatorial."

Mr. Shelleday moved that the question on the amendments reported to the 17th and 26th sections be considered separately;

Which was decided in the affirmative.

Mr. Hedrick moved to amend the 17th section by striking out the words "of two thirds," where they occur in the 6th line,

Upon which the yeas and nays being demanded by two members, were as follows:

Yeas 8—Nays 20.

Those who voted in the affirmative were,

Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, Richman, Saunders and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clarke, Conery, Coop, Dibble, Gal-land, Hoskins, Kent, Leffler, Matson, Mcraney, Olmsted, Ronalds, Ross, Steele, Selman, Tryon and Lowe, President.

So the amendment was not agreed to.

Mr. Shelleday moved to amend the 17th section by adding the following:

"After any law of a general nature has passed both branches of the General Assembly, & shall have been vetoed by the Governor, it may be submitted to the people at the next general election, and if it shall receive a majority of all the votes cast for and against it, the same shall become a law, notwithstanding the Governor's objections."

Upon which the yeas and nays were demanded by two members, and were as follows:

Yeas 14—Nays 14.

Those who voted in the affirmative, were

Messrs. Bissell, Bowie, Conery, Dibble, Goodrell, Harned, Hedrick, Hobson, Olmsted, Ronalds, Richman, Saunders, Selman, and Shelleday.

Those who voted in the negative, were.

Messrs. Bates, Berry, Clarke, Coop, Galland, Hoskins, Kent, Leffler, Matson, McCraney, Ross, Steele, Tryon and Lowe, President.

So the amendment was not agreed to.

On motion of Mr. Tryon,

A call of the Convention was had, when it appeared that Messrs. Grant, Haun, and Hubbell were absent.

On motion of Mr. Tryon,

Mr. Grant was excused from attendance.

Mr. Bissell moved to excuse Messrs. Haun and Hubbell.

Which was decided in the negative.

Messrs. Haun and Hubbell appearing in their places.

On motion of Mr. Hedrick,

The further call of the Convention was dispensed with.

Mr. Saunders moved to amend the 17th section as follows :

Strike out all after the words "majority of" to the word "it" in the 6th line, and insert "all the members elect to each House."

Mr. Bissell moved to adjourn until Monday next, 9 o'clock, A. M.

Which was decided in the negative.

The question then recurred on the amendment offered by Mr. Saunders to the 17th section.

Upon which the yeas and nays being demanded by two members, were as follows :

Yeas 12—Nays 19.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bowie, Goodrell, Harned, Hedrick, Hobson, O'Ferrall, Olmsted, Richman, Saunders, and Shelleday.

Those who voted in the negative, were

Messrs. Bissell, Clarke, Conery, Coop, Dibble, Galland, Haun, Hoskins, Hubbell, Kent, Leffler, Matson, McCraney, Ronalds, Ross, Steele, Selman, Tryon, and Lowe, President.

So the amendment was not agreed to.

On motion of Mr. Hedrick,

The Convention adjourned until Monday next, 10 o'clock.

Monday Morning, May 11, 1846.

The Convention met pursuant to adjournment.

Mr. Matson offered the following:

"Whereas, In the opinion of this Convention, it is all important that the Constitution formed here at this time, be so framed as to meet with the approbation of a majority of the electors of this Territory, therefore

Resolved, That a committee of three be added to the Supervisory committee, whose duty shall be to enquire into the sectional feelings on the different parts of a Constitution, and to report such alterations as to them appears most likely to obviate the various objections that may operate against the adoption of this Constitution."

Which was adopted.

Messrs. Matson, Saunders and Kent, were appointed said committee.

The further consideration of the report of the committee on the Legislative Department was resumed.

The question, being on concurring in the amendment made in committee of the whole to the 26th section.

Was decided in the negative.

The question was then put upon concurring in the other amendments reported by the committee respectively in their order and decided upon all of them in the affirmative.

Mr. Grant moved to amend the 32nd section by inserting the word "or" between "Congressional" and "Senatorial" in the 1st line.

Which was agreed to.

Mr. Ronalds moved to amend the 34th section by filling the first blank by inserting "1100."

Mr. Ross moved to insert "800."

Mr. Steele moved to insert "1000."

The question being on the amendment offered by Mr. Ronalds, was put, and decided in the negative.

The question then being on inserting "1000," the yeas and nays were demanded by two members, and were as follows:

Yeas 23—Nays 7.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bowie, Clarke, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Matson, McCraney, O'Ferrall, Ronalds, Richman, Saunders, Steele, Selman and Shelleday.

Those who voted in the negative, were :

Messrs. Bissell, Conery, Coop, Dibble, Leffler, Ross, and Lowe, President.

So the amendment was agreed to.

Mr. Steele moved to amend the 34th section by filling the next three blanks with "500" each.

Which was decided in the negative.

Mr. Clarke moved to amend the 34th section by filling the blank after the words "Secretary of State," with "500."

Which was agreed to.

Mr. Hubbell moved to amend the 34th section by filling the blank after the word "Treasurer," with "500."

Mr. Ross moved to insert "400."

The question being on the amendment offered by Mr. Hubbell, was put and decided in the negative.

The question then being on the amendment offered by Mr. Ross,

Was decided in the affirmative.

Mr. Hubbell moved to amend the 34th section by inserting in the blank, "800," after the word "Auditor."

Mr. Ross moved to insert "500."

Mr. Shelleday moved to insert "700."

The question being on the amendment offered by Mr. Hubbell,

Was decided in the negative.

The question then being on the amendment offered by Mr. Shelleday,

On which the yeas and nays were demanded by two members and were as follows :

Yeas 7—Nays 23.

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Hubbell, O'Ferrall, Richman, Shelleday, and Lowe, President.

Those who voted in the negative, were :

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, Ronalds, Ross, Saunders, Steele and Selman.

So the amendment was not agreed to.

Mr. Bates moved to fill the blank by inserting "600."

On which the yeas and nays were demand by two members, and were as follows,

Yeas 17—Nays 13.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bowie, Clark, Conery Dibble, Galland, Goodrell, Hubbell, Kent, McCraney, O'Ferrall, Ronalds, Richman, Saunders, Shelleday and Lowe, President.

Those who voted in the negative, were

Messrs. Bissell, Coop, Grant, Haun, Hoskins, Harned, Hedrick, Hobson, Leffler, Matson, Ross, Steele and Selman.

So the amendment was agreed to.

Mr. Bowie moved to amend the 34th section by filling the blank after the word "each," with "1200."

Mr. Coop moved to insert "1000."

Mr. Hedrick moved to insert "800."

Mr. Leffler called for a division of the question.

Mr. Ronalds, moved to postpone the question on the salary of the Judges of the Supreme Court until the Article on the Judiciary be taken up,

Which was decided in the negative.

The question then being on the Salary of the Judges of the Supreme Court, in filling the blank with "1200."

On which the yeas and nays were demanded by two members, and were as follows:

Yeas 3—Nays 27.

Those who voted in the affirmative, were

Messrs. Bowie, O'Ferrall and Richman.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, Ronalds, Ross, Saunders, Steele, Selman, Shelleday and Lowe, President.

So the amendment was not agreed to.

The question then being on the amendment offered by Mr. Coop.

On which the yeas and nays were demanded by two members, and were as follows:

Yeas 20—Nays 10.

Those who voted in the affirmative, were

Messrs. Bates, Bowie, Coop, Dibble, Grant, Goodrell, Haun, Hos-

kins, Hubbell, Harned, Hobson, Kent, Matson, McCraney, O'Ferrall, Ronalds, Ross, Richman, Steele, and Shelleday.

Those who voted in the negative, were

Messrs. Berry, Bissell, Clark, Conery, Galland, Hedrick, Leffler, Saunders, Selman and Lowe, President.

So the amendment was agreed to.

The question then being on the second division which relates to the salary of the Judges of the District Court.

Mr. Bowie, by leave of the convention withdrew the amendment offered by him.

The question then being on filling the blank with "1 00."

On which the yeas and nays were demanded by two members and were as follows:

Yeas 29—Nays 1.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Richman, Saunders, Steele, Selman, Shelleday, and Lowe, President,

Mr. Hedrick voting in the negative,

So the amendment was agreed to.

Mr. Clark moved to amend the 31st section by striking out the word "four," and inserting the word "two."

Which was not agreed to.

Mr. Ronalds moved to amend the Report by placing the 18th section between the 24th and 25th sections.

Which was agreed to.

Mr. Clark moved to amend the 31st section by striking out the word "sixteen" in the 3rd line, and insert the word "eight,"

Which was not agreed to.

On motion of Mr. Ross,

Ordered, That the report be engrossed and referred to the committee on Revision.

On motion of Mr. Leffler,

The vote just taken was reconsidered.

Mr. Leffler moved to amend the report by adding as the first section, the following:

"OF THE DISTRIBUTION OF POWERS.

1. The powers of the government of Iowa shall be divided into three

separate departments, the Legislative, the Executive, and Judicial, and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any function appertaining to either of the others, except in the cases hereinafter expressly directed or permitted."

Which was agreed to.

On motion of Mr. Haun,

Ordered, That the report be engrossed and referred to the committee on Revision.

On motion of Mr. Richman,

The Convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The Convention met pursuant to adjournment.

The report on the Judicial Department, being in order, was taken up and the consideration thereof resumed.

The question was then put on the adoption of the amendment offered by Mr. Richman, to the amendment offered by Mr. Bowie, to the third section;

And decided in the negative,

Yeas none—Nays 27.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were none.

Those who voted in the negative, were

Messrs. Bates, Bissell, Clarke, Conrey, Coop, Dibble, Galland, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, O'Ferrall, Ronalds, Ross, Richman, Saunders, Steele, Selman, Shelleday, and Lowe, President.

So the amendment to the amendment was rejected.

The question was then put on the adoption of the amendment of Mr. Bowie, so far as it relates to the Judges of the Supreme Court;

And decided in the negative,

Yeas 10—Nays 20.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, are

Messrs. Berry, Bowie, Conrey, Galland, Hobson, Kent, Richman, Saunders, Shelleday, and Lowe, President.

Those who voted in the negative, are

Messrs. Bates, Bissell, Clark, Coop, Dibble, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Leffler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Steele, and Selman.

So the amendment, so far as relates to Judges of the Supreme Court, was rejected.

The question was then put on the amendment, so far as it relates to Judges of the District Court ;

And decided in the negative,

Yeas 5—Nays 25.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Bowie, Hobson, Ronalds, and Richman.

Those who voted in the negative, were

Messrs. Bates, Bissell, Clark, Conrey, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Ross, Saunders, Steele, Selman, Shelleday, and Lowe, President.

So the amendment was rejected.

Mr. Goodrell made a motion to amend the third section, by inserting in the seventh line, after the word "salaries," the words following, to wit :

"The Judges of the Supreme Court shall be elected by joint ballot of both houses of the General Assembly, and shall hold their offices for the term of five years, and until their successors are elected and qualified."

Which was decided in the negative.

Yeas 15—Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were,

Messrs. Berry, Conrey, Dibble, Galland, Grant, Goodrell, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Ronalds, Shelleday, and Lowe, President.

Those who voted in the negative, were

Messrs. Bates, Bissell, Bowie, Clark, Coop, Haun, Hoskins, Matson, McCraney, O'Ferrall, Ross, Richman, Saunders, Steele, and Selman.

So the amendment was rejected.

Mr. Bates made a motion to amend the third section by striking out

the word "to," in the first line, and insert instead thereof, the word "shall;"

Which was decided in the affirmative.

Mr. Bates made a motion to amend the third section, by striking out all after the word "to," in the second line to the word "hold," in the fourth line, and insert :

"They shall hold sessions of the Supreme Court at the Seat of Government at such times as may be fixed by law and shall."

Which was decided in the negative.

Mr. Hubbell made a motion to amend the third section, by striking "five" out of the sixth line, and insert instead thereof the word "ten."

Mr. Hedrick made a motion to amend the motion of Mr. Hubbell by striking out all after the word "qualified," in the fifth line, to the word "salaries," in the sixth and seventh lines inclusive.

Which was decided in the affirmative.

Mr. Richman made a motion to amend the third section, by striking out the words "general election for State officers," in the second line, and insert the words "special election for that purpose."

Mr. Haun made a motion to amend the motion of Mr. Richman, by adding at the end of the words proposed to be inserted, the words "unless a general election shall be convenient and ensuing, then at a general election."

Which was decided in the negative.

The question then recurred on the motion of Mr. Richman;

Which was decided in the affirmative.

On motion of Mr. Bowie,

The second line of the third section was amended by striking out the word "to," where it occurs between the words "officers" and "hold," and insert the words "and shall."

Mr. Richman made a motion to amend the third section, as follows, to wit :

Strike out the word "five," in the fourth line, and insert the word "seven." Insert after the word "qualified," in the fifth line, "and shall be ineligible two terms in succession, and shall be ineligible to any other office during the term for which they may be elected."

A division of the question was ordered.

The question being on the adoption of the first clause of the amendment,

Mr. Ross made a motion to amend the amendment by inserting "six" instead of "seven."

Which was decided in the negative.

The question was then put on the first clause of the amendment of Mr. Richman,

And decided in the negative.

So the Convention refused to strike out five and insert seven.

The question was then put on the second clause of the amendment, to wit :

Insert after the word "qualified," in the fifth line, the words "and shall be ineligible two terms in succession."

Which was decided in the negative.

The question was then put on the last clause of the amendment, to wit :

"And shall be ineligible to any other office during the term for which they may be elected."

And decided in the affirmative.

So the last clause was adopted.

Mr. Shelleday made a motion to amend the third line of the third section, by striking out the words "as the Judges may choose," and insert the words "as the General Assembly may direct."

Which was decided in the affirmative.

On motion of Mr. Goodrell,

The second line of the fourth section was amended by inserting after the word "resides," the words "at a general election for Township officers."

Mr. Hedrick moved to amend the fourth section, by striking out all after the word "resides," in the second line, to the end of the third line, and insert the following :

"And two Associate Judges in each organized county, who shall be elected by the qualified voters of their respective counties, and they shall hold their offices for a term of five years, and until their successors are elected and qualified. The District Judge alone, or the Associate Judges in his absence, shall be competent to hold court."

Which was decided in the negative.

Mr. Shelleday moved to amend the third section as follows :

Strike out from the commencement of the third line to the word "at," in the same line, and insert the words "time and" before "place" in that line.

Which was agreed to.

Mr. Richman moved to amend the fourth section, by inserting after the word "qualified," in the third line, the following :

"And shall be ineligible to any other office during the term for which he may be elected."

Which was agreed to.

Mr. Ronalds moved to amend the fourth section, by striking out the first part of the second line to the word "and," and insert the words, "joint ballot of both houses of the General Assembly."

On which the yeas and nays were demanded by two members and were as follow :

Yeas 4—Nays 25.

Those who voted in the affirmative, were

Messrs. Galland, Goodrell, Hobson, and Ronalds.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Grant, Haun, Hoskins, Harned, Hedrick, Kent, Leffler, Matson, McCra-
ney, O'Ferrall, Ross, Richman, Saunders, Steele, Selman, Shelleday,
and Lowe, President.

So the amendment was not agreed to.

Mr. Shelleday moved to strike out the fifth section,

Which was decided in the negative.

Mr. Bissell moved to amend the report by striking out the fifth, sixth and eighth sections, and inserting the following :

"The qualified voters of each county, shall, at the general election, elect one Judge of Probate, one Prosecuting Attorney, and one Clerk of the District Court, who shall be residents thereof, and who shall hold their several offices for the term of two years, and until their successors are elected and qualified."

Mr. Shelleday called for a division of the question.

The question being on striking out the fifth, sixth, and eighth sections, was put,

And decided in the affirmative.

The question then being on inserting,

Mr. Shelleday called for a division of the question ;

And the question was then put on that part of the amendment which relates to the Judge of Probate,

And decided in the affirmative.

The question was then put on that part of the amendment which relates to Prosecuting Attorney,

And decided in the affirmative.

Mr. Steele moved to amend the amendment, by striking out the word

"two," and inserting "four," so far as the same relates to the Clerk of the District Court.

Which was not agreed to.

The question was then put on that part of the amendment which relates to the Clerk of the District Court,

And decided in the affirmative.

Mr. Hedrick made a motion to amend the seventh section, by striking out of the first line, the words "each Judicial District," and insert the words "this State."

Which was decided in the affirmative.

On motion of Mr. Goodrell,

The seventh section was stricken out.

On motion of Mr. Shelleday,

Ordered, That the article on the Judicial department, as amended, be referred to a select committee.

Messrs. Shelleday, Leffler, and Hoskins, were appointed said committee.

On motion of Mr. Grant,

Ordered, That the article in the old Constitution in regard to amendments be printed for the use of this Convention.

On motion of Mr. Hedrick,

The Convention adjourned until 9 o'clock to-morrow morning.

Tuesday Morning, May 12, 1846.

The Convention met pursuant to adjournment.

Mr. Bates from the committee on engrossment reported as correctly engrossed the several Articles on Suffrage and Citizenship, Education and School Lands and Bill of Rights.

Mr. Matson offered the following:

"Whereas, In the opinion of this convention, it is their duty, as servants of the people, after having performed the labors assigned them, in the best manner they could, under all the circumstances, to return the fruits of that labor with their reasons for doing it as they have; and with their views as the framers of the instrument, of its ability to accomplish the great object for which it is designed, therefore

Resolved, That a committee of—be appointed to draft an address to

the people of this Territory, explanatory of the views of this Convention, on the various parts of this Constitution, and the propriety of its being adopted as their fundamental law."

Which gave rise to debate and was laid over for one day.

Mr. Steele, offered the following:

"Resolved, That the Rules of this Convention be so amended that no member shall have a right to speak more than once to a question, or more than ten minutes at a time, either in Convention or in committee of the whole, without leave of the Convention."

Which gave rise to debate and was laid over for one day.

Mr. Selman offered the following:

"Resolved, That this convention adjourn *sine die* on Monday the 18th instant."

Which gave rise to debate and was laid over for one day.

Mr. Coop having obtained leave of the Convention made the following report.

MILITIA.

1. The Militia of this State, shall be composed of all able bodied white male persons between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State, and shall be armed equipped and trained as the General Assembly may provide by law.

2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace, provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. All commissioned officers of the militia (Staff officers excepted) shall be elected by the persons liable to perform militia duty and shall be commissioned by the Governor.

Which was read a first time.

On motion of Mr. Leffler,

Ordered, That the usual number of copies of the Report be printed, The report of the committee on Incorporations and State Debts being the special order for this day, was taken up for consideration.

Mr. Bissell moved that the Convention resolve itself into committee of the whole for the consideration of the Report.

Which was decided in the negative.

The question being on the adoption of the amendment offered by Mr. Richman.

Mr. Leffler moved to amend the amendment by adding the following:

"Or the right to prohibit them altogether through this Convention, their representatives, if they the people should deem such prohibition for the public good."

Which amendment was agreed to.

The question then being on the adoption of the amendment offered by Mr. Richman, as amended.

Was decided in the negative.

Mr. Bates moved to amend the Report as follows:

"Strike out the first section and insert

1. No corporate body shall hereafter be created, renewed or extended, with the privileges of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper or the paper of any bank, to circulate as money.

2. Corporations shall not be created in this State by special laws, except for political or municipal purposes, but the Legislature shall provide, by general laws for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law."

Pending which,

On motion of Mr. Matson,

The Convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on Incorporations and State Debts.

The question being on the amendment offered by Mr. Bates.

Mr. Ronalds called for a division of the question.

Mr. Ronalds moved to amend the first section by adding the following at the end of the second line,

"Unless the law creating such corporate body, or renewing, or extending its privileges shall be published in the newspapers of this State, at least four months preceding a general election for county officers,

and shall receive at said election a majority of all the votes polled for and against said law."

On motion of Mr. Coop,

A call of the Convention was ordered.

Messrs. Grant, Olmsted, Selman and Tryon, were absent.

Messrs. Grant, Selman and Olmsted, appeared in their seats.

On motion of Mr. Coop,

The further call of the Convention was dispensed with.

The question was then taken on the amendment offered by Mr. Ronalds,

And decided in the negative

Yeas 11.—Nays 20.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bissell, Bowie, Goodrell, Harned, Hedrick, Hobson, O'Ferrall, Ronalds, Richman, Saunders and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Kent, Leffler, Matson, McCraney, Olmsted, Ross, Steele, Selman, and Lowe, President.

So the amendment was not agreed to.

Mr. Dibble then made a motion to amend by substituting the following for the first section of the report, to wit:

1. "No corporate body shall hereafter be enacted, renewed or extended with the privilege of making, issuing, or putting in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any Bank to circulate as money, except the question of Corporation with the law enacting the same, before it become a law, shall have been submitted to a vote of the whole people at some convenient election, the majority of whose votes shall be deemed a confirmation of the same."

Which was decided in the affirmative.

Yeas 16.—Nays 15.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bissell, Bowie, Conery, Dibble, Galland, Goodrell, Haun, Harned, Hedrick, Hobson, McCraney, O'Ferrall, Richman, Saunders, Selman, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Clark, Coop, Grant, Hoskins, Hubbell, Kent,

Leffler, Matson, Olmsted, Ronalds, Ross, Steele, and Lowe. President.

So the amendment was agreed to.

Mr. Dibble made a motion to further amend said Report by adding the following as a second section, to wit :

2. "The General Assembly may at any time propose alterations or a repeal of any such corporation that may have been created, and any such proposition shall be submitted to the people as provided in the foregoing section, and shall be confirmed in like manner."

Mr. Bissell made a motion to amend the amendment of Mr. Dibble, by substituting the following to wit :

"The General Assembly shall have power to repeal, alter, or amend any act of incorporation when satisfied that its operations are not conducive to the public welfare."

Which was decided in the negative.

Yeas 14—Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Bissell, Clark, Conery, Galland, Grant, Hoskins, Harned, Leffler, Matson, McCraney, Ronalds, Steele, and Selman.

Those who voted in the negative, were

Messrs. Bowie, Coop, Dibble, Goodrell, Haun, Hubbell, Hedrick, Hobson, Kent, O'Ferrall, Olmsted, Ross, Richman, Saunders, Shelleday and Lowe, President.

So the substitute was rejected.

On motion of Mr. Ross.

A call of the Convention was ordered,

Messrs. Bates, and Tryon were absent.

On motion of Mr. Haun,

The further call of the Convention was dispensed with.

The question was then put on the amendment of Mr. Dibble, and decided in the affirmative,

Yeas 28—Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Saunders, Steele, Selman, Shelleday and Lowe, President.

Those who voted in the negative, were

Messrs. Bates, Olmsted and Richman,

So the amendment was agreed to.

On motion of Mr. Bates,

The Convention adjourned until to-morrow morning, 9 o'clock.

Wednesday Morning, May 13. 1846.

The Convention met pursuant to adjournment.

Mr. Shelleday from the Select committee to whom was referred the Report of the committee on the Judiciary Department and amendments made thereto, reported the same back, and recommended the adoption of the following amendment:

"Strike out all after the word "by" in the first line of the third section to the word "hold" in the second line, and insert "joint vote of both branches of the General Assembly."

Mr. Matson moved to take from the table the preamble and resolution offered by him on yesterday, in relation to the appointment of a committee to draft an address to the people.

Which was decided in the affirmative.

The question being on the adoption of the preamble and resolution, was put and decided in the negative,

Yeas 10 Nays 21.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Bissell, Clark, Conery, Coop, Kent, Matson, Olmsted, Ross and Steele.

Those who voted in the negative, were

Messrs. Berry, Bowie, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Lefler, McCraney, O'Ferrall, Ronalds, Richman, Saunders, Selman, Shelleday and Lowe, President,

So the Preamble and Resolution was not adopted.

On motion of Mr. Hedrick,

The Resolution offered by Mr. Steele on yesterday in relation to amending the rules of this Convention, was taken up for consideration.

Mr. Hedrick moved to amend the Resolution by striking out "ten" and inserting "fifteen," which was accepted by Mr. Steele.

Mr. Harned moved to amend the Resolution by striking out the word "fifteen" and inserting "thirty."

Which was not agreed to.

The question then being on the adoption of the Resolution, was put, and decided in the negative,

Yeas 14—nays 17.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Conery, Coop, Dibble, Galland, Grant, Hoskins, Hubbell, Kent, Matson, McCraney, Ross, Steele and Selman.

Those who voted in the negative, were

Messrs. Bates, Bissell, Bowie, Clark, Goodrell, Haun, Harned, Hedrick, Hobson, Leffler, O'Ferrall, Olmsted, Ronalds, Richman, Saunders, Shelleday, and Lowe, President.

So the Resolution was not adopted.

The Convention resumed the consideration of the report of the committee on Incorporations and State Debts.

Mr. Leffler moved to amend the Report as follows :

"No act of incorporation shall be submitted to the people, until the same shall have been published at least twelve successive weeks in at least twelve of the weekly newspapers published in this State, provided, that that number of newspapers are published at the passage of such act, nor shall such publication be made until the party applying for such act of incorporation shall have deposited with the State Treasurer, a sum sufficient to defray the expense of such publication."

Mr. Richman moved to amend the amendment by striking out the words "twelve of the weekly," and insert "six of the weekly,"

On which the yeas and nays were demanded by two members, and were as follow :

Yeas 4—Nays 27.

Those who voted in the affirmative, were

Messrs. Goodrell, Hobson, Richman and Saunders.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Harned, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Ronalds, Ross, Steele, Selman, Shelleday and Lowe, President.

So the amendment to the amendment was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Leffler, was put

And decided in the affirmative,

Yeas 25—Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Harned, Hedrick, Kent, Leffler, Matson, Olmsted, Ronalds, Ross, Steele, Selman, Shelleday and Lowe, President.

Those who voted in the negative, were

Messrs. Goodrell, Hobson, McCraney, O'Ferrall, Richman and Saunders.

So the amendment was adopted,

Mr. Leffler moved to amend the Report as follows :

"Corporations shall not be created in the State by special laws, except for political or municipal purposes, but the General Assembly shall provide by general laws for the organization of all other corporations, except corporations with banking or discounting privileges, the creation of which have been provided for in the foregoing section. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law."

Mr. Richman moved to amend the amendment by inserting after the words "general laws" the following words, "under such regulations and restrictions as may be deemed necessary."

Which was not agreed to,

Mr. Goodrell moved to amend the amendment by adding the following :

"Except corporations for Internal Improvements."

On which the yeas and nays were demanded by two members and were as follow :

Yeas 7—Nays 23.

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hobson, Richman, Saunders and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmstead, Ronalds, Ross, Steele Selman and Lowe, President.

The question then being on the adoption of the amendment offered by Mr. Leffler, was put and decided in the affirmative.

Yeas 27—Nays 3.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hubbell, Harned, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Saunders, Steele, Selman, and Shelleday.

Those who voted in the negative, were

Messrs. Hoskins, Hobson and Richman.

So the amendment was agreed to.

Mr. Haun moved to amend the third section by striking out of the first line the word "Legislature," and insert "General Assembly shall;" and also insert at the end of the second line the following words, "except as provided in the foregoing sections."

On motion of Mr. Matson,

The Convention adjourned until 2 o'clock, P. M.

Two O'Clock, P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on Incorporations.

The question being on the adoption of the amendment offered by Mr. Haun to the third section, was put

And decided in the negative.

Mr. Hedrick moved to amend the second section by adding the following:

"To double the amount of stock subscribed respectively after the means of such incorporation are exhausted"

Upon which the yeas and nays were demanded by two members, were as follow:

Yeas 15—Nays 14.

Those who voted in the affirmative, were

Messrs. Berry, Bissell, Bowie, Conery, Dibble, Goodrell, Hubbell, Hedrick, Hobson, Leffler, O'Ferrall, Ronalds, Saunders, Selman, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Clark, Coop, Galland, Grant, Haun, Hoskins, Harned, Matson, McCraney, Olmsted, Ross, Richman and Mr. President.

So the amendment was adopted.

Mr. Olmsted moved to amend the second section by adding thereto the following :

"And no stockholder shall be released from his responsibility by transferring his stock in such incorporation to another person."

Upon which the yeas and nays being demanded by two members, were as follow :

Yeas 16—Nays 13.

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Clarke, Conery, Coop, Dibble, Galland, Grant, Hoskins, Hubbell, Leffler, Matson, Olmsted, Ross and Mr. President.

Those who voted in the negative, were

Messrs. Bowie, Goodrell, Haun, Harned, Hedrick, Hobson, McCraney, O'Ferrall, Ronalds, Richman, Saunders, Selman and Shelleday.

So the amendment was adopted.

Mr. Matson moved that the further consideration of the report be postponed until Friday next,

Which was not agreed to.

Mr. Shelleday moved that the report be indefinitely postponed, which was put,

And decided in the negative.

Yeas 10—Nays 20.

Upon which the yeas and nays being demanded by two members, were as follow :

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, McCraney, O'Ferrall, Richman, Saunders and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Kent, Leffler, Matson, Olmsted, Ronalds, Ross, Selman and Mr. President.

On motion of Mr. Hedrick,

Ordered, That the report be laid on the table.

The report of the select committee on the Judiciary Department, being in order, was taken up.

On motion of Mr. Selman,

A call of the Convention was had, when it appeared that Messrs. Bissell, Galland, Haun, Hubbell, Steele, and Tryon, were absent.

The absentees, except Mr. Tryon, appearing in their seats,
Whereupon,

On motion of Mr. Olmsted,

The further call was dispensed with.

The question on concurring in the report made by the select committee to the report of the standing committee on the Judicial Department, was put,

And decided in the negative.

Yeas 15—Nays 16.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Conery, Galland, Grant, Goodrell, Hubbell, Harned, Hedrick, Henson, Kent, Lefler, Olmsted, Ronalds, Shelleday, and Lowe, President.

Those who voted in the negative, were

Messrs. Bates, Bissell, Bowie, Clark, Coop, Dibble, Haun, Hoskins, Matson, McCraney, O'Ferrall, Ross, Richman, Saunders, Steele, and Selman.

So the report was not concurred in.

On motion of Mr. Haun,

Ordered, That the report be engrossed and referred to the committee on Revision.

On motion of Mr. Bates,

The report of the committee on State Debts was taken up for consideration, and

Was read a second time.

Mr. Selman moved to amend the report by striking out of the first line the word "Legislature," and insert "General Assembly."

Which was adopted.

Mr. Haun moved to amend the report by striking out of the thirteenth line the words "in newspapers," and inserting "each Judicial District."

Which was not agreed to.

Mr. Bowie moved to amend the report by inserting the word "twelve," after the word "in," where it occurs in the thirteenth line.

Which was not agreed to.

Mr. Ronalds moved to amend the report by inserting after the word "in" the words "at least three."

Mr. Clark moved to amend the amendment by inserting "as many."

Which was not agreed to.

The question being on the adoption of the amendment offered by Mr. Ronalds, was put,

And decided in the negative.

So the amendment was not adopted.

Mr. Selman moved to amend the report by striking out all after the word "created," in the thirteenth line.

Which was not adopted.

Mr. Hedrick moved to amend the report by striking out "one," in the third line, and inserting "five."

Mr. Selman moved to amend the amendment by inserting the word "two."

Which was decided in the negative.

Yeas 2—Nays 29.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Selman and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Richman, Saunders, Steele, and Lowe, President.

So the amendment to the amendment was not agreed to.

The question then being on the adoption of the amendment offered by Mr. Hedrick,

It was decided in the negative,

Yeas 5—Nays 26.

The yeas and nays being demanded by two members.

Those who voted in the affirmative, were

Messrs. Goodrell, Harned, Hedrick, Hobson, and Richman.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Bowie, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Saunders, Steele, Selman, Shelleday, and Lowe, President.

So the amendment was not adopted.

Mr. Shelleday offered the following amendment,

"Strike out all between "the" in the first line, and "people" in the fourteenth line, and insert after the word "people," "have a right to contract debts by their representatives whenever in their opinion the public interest require it."

On which the yeas and nays were demanded by two members and were as follow :

Yeas 9—Nays 22.

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, O'Ferrall, Richman, Saunders and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Kent, Leffler, Matson, McCraney, Olmsted, Ronalds, Ross, Steele, Selman, and Lowe, President.

So the amendment was not adopted.

Mr. Bowie moved to amend the report by striking out of the third line the word "thousand."

Which was decided in the negative.

Yeas 2—Nays 29.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bowie, and Harned.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Richman, Saunders, Steele, Selman, Shelleday, and Lowe, President.

So the amendment was not adopted.

Mr. Saunders moved to amend the report by striking out of the third line the word "one," and inserting the word "three."

Which was decided in the negative.

Yeas 7—Nays 24.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hobson, Richman, Saunders, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Steele, Selman and Lowe, President.

So the amendment was rejected.

Mr. Hobson moved to amend by striking out all after the word "therein," in the fifth line, to the word "but" in the ninth line.

Which was decided in the negative.

Yeas 7—Nays 24.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hobson, Richman, Saunders, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Hedrick, Kent, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Steele, Selman, and Lowe, President.

So the amendment was rejected.

Mr. Haun made a motion to amend by striking out the word "newspapers," in the thirteenth line, and the word "in," in the fourteenth line, and insert the following :

"At least one newspaper in each Judicial District; if one is published therein, throughout."

Which was decided in the affirmative.

On motion of Mr. Richman,

Ordered, That the report be engrossed and referred to the committee on Revision.

Mr. Selman made a motion to adjourn until 9 o'clock to-morrow morning.

Which was lost.

The article on the Executive Department was then taken up and read a second time.

On motion of Mr. Shelleday,

The word "Legislature," wherever it occurs in the article was stricken out, and the words "General Assembly" inserted.

On motion of Mr. Shelleday,

The second line of the second section was amended by striking out the word "two," where it occurs after the word "office," and before the word "years," and inserting the word "four" in lieu thereof.

On motion of Mr. Hedrick,

The second line of the third section was amended by inserting after the words "United States," and before the word "been," the words "has not."

Mr. Galland made a motion to strike out of the third line of the third section, the word "thirty" and insert "twenty-five."

Which was decided in the negative.

Mr. Steele made a motion to strike out all after the word "election," in the second line of the third section.

Which was decided in the negative.

On motion of Mr. Bates,

The twelfth section was amended by adding the words "except as hereinafter expressly provided."

On motion of Mr. Olmsted,

The first line of the twelfth section was amended by striking out after the word "person," the words "who is a member of Congress, or."

Mr. Hedrick made a motion to strike out of the first line of the fifteenth section the words "which shall be."

Which was decided in the negative.

On motion of Mr. Matson,

The second line of the sixteenth section was amended by striking out the word "Seal," and inserting the words "Great Seal of this State."

Mr. Haun made a motion to strike out of the third line of the seventeenth section the word "two," and insert the word "four."

Was decided in the negative.

Mr. Bates made a motion to strike out of the second line of the seventeenth section, the words following, to-wit: "at the time and place of voting for Governor."

Mr. Dibble made a motion to amend Mr. Bates' motion by inserting instead of the words proposed to be stricken out, the words "by joint ballot of the two houses of the General Assembly."

Which was decided in the negative.

Yeas 5—Nays 24.

The yeas and nays being demanded by two members,

Those who voted in the affirmative were,

Messrs. Berry, Dibble, Galland, Goodrell, and Hobson.

Those who voted in the negative, were

Messrs. Bates, Bissell, Bowie, Clark, Conrey, Coop, Haun, Hoskins, Hubbell, Harned, Hedrick, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Ross, Richman, Saunders, Steele, Selman, Shelleday, and Lowe, President.

So the amendment to the amendment proposed by Mr. Bates was rejected.

The question was then put on the motion of Mr. Bates to strike out, and decided in the affirmative.

So the words proposed were stricken out.

Mr. Olmsted made a motion to adjourn until 9 o'clock to-morrow morning.

Which was decided in the negative.

On motion of Mr. Selman,

A call of the Convention was ordered.

Messrs. Grant, Harned, Kent, Olmsted, and Tryon, were absent.

On motion of Mr. Leffler,

The further call was suspended.

On motion of Mr. Steele,

The Convention adjourned until to-morrow morning at 9 o'clock.

Thursday Morning, May 14, 1846.

The Convention met pursuant to adjournment.

Mr. Bates, from the committee on Engrossment, reported as correctly engrossed, the article on the Legislative Department.

The consideration of the article on the Executive Department was resumed.

Mr. Matson made a motion to amend the twelfth section by inserting as a substitute the following:

"No person shall, while holding any other office under the United States or this State, execute the office of Governor, except as hereinafter expressly provided."

Which was decided in the affirmative.

Mr. Matson made a motion to amend the seventeenth section, by striking out all after the word "electors," in the second line, to the word "years," in the third line inclusive, and insert "of this State and shall hold their offices for two years, and until their successors are qualified."

Pending which,

Mr. Clark made a motion to re-consider the vote taken yesterday on Mr. Shelleday's motion to amend the second line of the second section, by striking out the word "two," and inserting the word "four."

Which was decided in the negative.

Mr. Haub made a motion to amend the amendment proposed by Mr. Matson, by adding the words following:

"That the Secretary of State shall be elected at the time and place the

Governor is elected, and shall hold his office for four years, and until his successor is qualified."

Which was decided in the affirmative.

The question was then put on the amendment of Mr. Matson, as amended,

And decided in the negative.

On motion of Mr. Steele,

Ordered, That said article be engrossed and referred to the committee on Revision.

On motion of Mr. Steele,

The article on Incorporations was taken from the table.

The question on Mr. Bates' motion to strike out, was then put.

And decided in the affirmative,

Yeas 24—Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bowie, Clark, Conery, Coop, Grant, Goodrell, Hoskins, Hubbell, Harned, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, Olmsted, Ross, Richman, Saunders, Steele, Selman, Shelleday, and Lowe, President.

Those who voted in the negative, were

Messrs. Bissell, Dibble, Galland, Haun, O'Ferrall, and Ronalds.

Mr. Bates having obtained leave from the Convention withdrew the remaining division of his motion, which was to insert.

He then moved to fill the blank with the words following:

"1. No corporate body shall hereafter be created, renewed, or extended, with the privileges of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking or creating paper to circulate as money.

2nd. Corporations shall not be created in this State by special laws, except for political or municipal purposes, but the General Assembly shall provide by general laws, for the organizing of all other corporations, except corporations with banking privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law.

The State shall not, directly or indirectly, become a stockholder in any corporation."

Mr. Grant moved the previous question,
Which was decided in the affirmative.

Yeas 19—Nays 11.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Hoskins, Hubbell, Kent, Leffler, Matson, Olmsted, Ronalds, Ross, Steele, and Lowe, President.

Those who voted in the negative, were

Messrs. Bowie, Haun, Harned, Hedrick, Hobson, McCraney, O'Ferrall, Richman, Saunders, Selman, and Shelleday.

The main question was then put, on Mr. Bates motion to insert,
And decided in the affirmative.

Yeas 21—Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Hoskins, Hubbell, Kent, Leffler, Matson, McCraney, Olmsted, Ronalds, Ross, Steele, Selman, and Lowe, President.

Those who voted in the negative, were

Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, O'Ferrall, Richman, Saunders, and Shelleday.

On motion of Mr. Bates,

The article was ordered to be engrossed and referred to the committee on Revision.

Mr. Shelleday asked leave of the Convention to be excused from serving on the committee of Revision;

Which was granted.

On motion of Mr. Olmsted,

Mr. Grant was appointed to fill the place of Mr. Shelleday on the committee of Revision.

On motion of Mr. Shelleday,

The article on the Militia was taken up and read a second time.

Mr. Hubbell made a motion to strike out all after the first section, and insert the words following, to wit:

"2. Major Generals shall be elected by the Brigadier Generals and field officers of their respective divisions; Brigadier Generals shall be elected by the field officers, and commissioned company officers of their respective brigades; field officers shall be elected by the officers and privates of their respective regiments; and captains and subaltern offi-

cers shall be elected by those subject to military duty in their respective companies.

"3. The Governor shall appoint the Adjutant General, and other members of his staff: Major Generals, Brigadier Generals, and commanders of Regiments, shall respectively appoint their own staff.

"4. The Governor shall have power to call out the militia, to execute the laws of the State, to suppress insurrection, and repel invasion."

Which was decided in the negative.

Yeas 4—Nays 19.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Dibble, Hubbell, Olmsted,, and Steele.

Those who voted in the negative, were

Messrs. Bates, Berry, Bissell, Conrey, Coop, Galland, Goodrell, Hoskins, Hedrick, Hobson, Kent, Leffler, Matson, McCraney, Ronalds, Ross, Saunders, Shelleday, and Lowe, President.

So the amendment was rejected.

Mr. Bissell made a motion to strike out the second and third sections of the article, and insert the word "organized" between the words "be" and "armed," in the fourth line of the first section.

Which was decided in the negative.

Mr. Saunders made a motion to strike out the second section.

Which was decided in the negative.

On motion of Mr. Shelleday,

Ordered, That the article be considered as engrossed and referred to the committee on Revision.

On motion of Mr. Grant,

The article on Amendments was taken up and read a second time.

On motion of Mr. Matson,

The word "Legislature," wherever it occurs, was stricken out, and the words "General Assembly" inserted.

On motion of Mr. Grant,

All the first section, after the word "house," in the eighteenth line, was stricken out.

Mr. Steele, on leave being granted, offered the following :

Resolved, That the committee on Revision be instructed so to amend the article on Boundaries as to make the following the boundaries of the State of Iowa:

"Beginning in the middle of the main channel of the Mississippi ri-

ver, at a point due east of the middle of the mouth of the main channel of the Des Moines river; thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri, as established by the Constitution of that State, adopted June 12th, 1820, crosses the said middle of the main channel of the said Des Moines river; thence westwardly, along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence, up the middle of the main channel of the said Missouri river, to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's map; thence up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees thirty minutes north latitude; thence east, along said parallel of forty-three degrees thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said Mississippi river to the place of beginning."

Which was laid over for one day under the rules.

Mr. Saunders made a motion to amend the first line of the second section of the article on Amendments, by striking out the words "two-thirds," and inserting "a majority;"

Which was decided in the negative.

On motion of Mr. Shelleday,

The first section was amended by striking out all between the word "thereon," in the fifth line, and the words "to the people," in the tenth line, and inserting the words "and submitted."

On motion of Mr. Grant,

Ordered, That the article be engrossed and referred to the committee on Revision.

On motion of Mr. Selman,

The Convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Grant,

Ordered, That a member be added to the committee on Schedule, to supply the place of Mr. Tryon, absent.

Mr. Matson was appointed said member.

On motion of Mr. Shelleday,

Ordered, That the rules be suspended and the resolution offered this morning be taken up.

On motion of Mr. Haun,

A call of the Convention was ordered.

Messrs. Kent, O'Ferrall, Olmsted, and Tryon, were absent.

On motion of Mr. Bissell,

Mr. Tryon was excused from the call.

The absentees appeared, and

On motion of Mr. McCraney,

The further call was suspended.

Mr. Olmsted moved to amend by striking out all after the word "resolved."

Which was not agreed to.

The question then being on the adoption of the resolution, and Was decided in the affirmative.

Yeas 18—Nays 13.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Berry, Clark, Conery, Coop, Dibble, Galland, Grant, Goodrell, Hoskins, Hubbell, Hedrick, Hobson, Kent, Ross, Steele, Selman, Shelleday, and Lowe, President.

Those who voted in the negative, were

Messrs. Bates, Bissell, Bowie, Haun, Harned, Leffler, Matson, McCraney, O'Ferrall, Olmsted, Ronalds, Richman, and Saunders.

So the resolution was adopted.

Mr. Ronalds, on leave being granted, offered the following:

"Resolved, That the committee on Revision be instructed to alter the article on the Judiciary, as engrossed, so that the Judges of the Supreme Court shall be elected by joint ballot of both houses of the General Assembly."

Which was laid over for one day.

Mr. Bates, from the committee on Engrossment, reported as correctly engrossed the several articles on State Debts, Corporations, and the Judiciary Department.

On motion of Mr. Grant,

The Convention adjourned until to-morrow morning, 9 o'clock.

Friday Morning, May 13, 1816.

The Convention met pursuant to adjournment.

Mr. Matson from the committee on the Schedule, made the following Report, to wit:

SCHEDULE.

1. That no inconvenience may arise from the change of a Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, contracts, claims and rights, shall continue as if no change had taken place in this government; and all process which may, before the organization of the Judicial Department under this Constitution, be issued under the authority of the Territory of Iowa, shall be as valid as if issued in the name of the State.

2. All the laws now in force in this Territory, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the General Assembly of this State.

3. All fines, penalties and forfeitures, accruing to the Territory of Iowa, shall accrue to the use of the State.

4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the Judicial Department under this Constitution, shall remain valid, and shall pass to, and may be prosecuted in the name of the State. And all bonds executed to the Governor of this Territory, or to any other officer in his official capacity, shall pass over to the Governor of the State, or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for, and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or may arise, before the organization of the Judicial Department under this Constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the State.

5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and ex-

ecute their respective offices and appointments until superceded under this Constitution.

6. The clerks of the several boards of county Commissioners shall give at least thirty days notice, in the manner and form directed in the laws of this Territory regulating general elections, of the first general election under this Constitution, to be held on the——day of——next after the adoption of this Constitution by the people of this Territory, for the election of a Governor, Representatives in the Congress of the United States, members of the General Assembly, and one Auditor, Treasurer, Secretary of State, Superintendent of Common Schools, and District Judges. And said election shall be conducted in accordance with the existing election laws of this Territory; and the said Governor, Representatives in the Congress of the United States, Auditor, Treasurer, Secretary of State, Superintendent of Common Schools, and District Judges, duly elected at said elections, shall continue to discharge the duties of their respective offices for the time prescribed by this Constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this Territory.

7. Until the first enumeration of the inhabitants of this Territory as directed by this Constitution, the following shall be the apportionment of the State Legislature:

The county of Lee shall be entitled to two Senators and five Representative;

The county of Van Buren, two Senators and four Representatives;

The counties of Davis and Appanoose, one Senator and Representative each;

The counties of Wapello and Monroe, one Senator jointly, and one Representative each;

The counties of Marion, Polk, Dallas and Jasper, one Senator and two Representatives jointly;

The county of Des Moines, two Senators and four Representatives;

The county of Henry, one Senator and three Representatives;

The county of Jefferson, one Senator and three Representatives;

The counties of Louisa and Washington, one Senator jointly, and two Representatives each;

The counties of Keokuk and Mahaska, one Senator jointly, and one Representative each;

The counties of Muscatine and Johnson, one Senator and one Representative jointly, and each one Representative;

The counties of Scott and Clinton, one Senator jointly, and one Representative each ;

The counties of Cedar, Linn, and Benton, one Senator jointly, the county of Cedar one Representative, and the counties of Linn and Benton, one Representative jointly;

The counties of Jackson and Jones, one Senator and two Representatives;

The counties of Dubuque, Delaware, Clayton, Fayette, Buchanan and Blackhawk, two Senators, and the county of Dubuque, one Representative; and the counties of Delaware, Clayton, Fayette, Buchanan and Blackhawk, one Representative.

And any country attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

8. The first meeting of the General Assembly under this Constitution shall be on the first Monday in—following its ratification by the people, at Iowa City, in Johnson county, which place shall be the Seat of Government of the State of Iowa, until the same is removed by law.

Which was read a first time, and

On motion of Mr Leffler,

Ordered, That the usual number of copies be printed for the use of this Convention.

Mr. Coop offered the following :

“Resolved, That the committee on Revision be instructed to make arrangements with Mr. A. H. Palmer, Editor of the Iowa Capital Reporter, for printing—numbers of the Constitution and—numbers of the Journals of this Convention, also for the incidental printing.

That they contract with Mr. James Mackintosh for stitching and binding the said Constitution and Journals when printed, and that they report their proceedings to the consideration of the Convention.

Mr. Shelleday moved to amend the resolution by inserting the words “or other person” after the word “Reporter.”

Which was agreed to.

Mr. Ross moved to fill the first blank by inserting “fifteen thousand.”

Which was agreed to.

Mr. Hedrick moved to fill the second blank by inserting “three hundred and fifty.”

Which was agreed to.

The question then being on the adoption of the resolution, was put, And decided in the affirmative.

So the Resolution was adopted,

Mr. Grant moved to reconsider the vote taken yesterday on engrossing the article on Amendments to the Constitution, was put

And decided in the affirmative.

Yeas 21—Nays 9.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates Berry, Bissell, Clark, Conery, Coop, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Kent, Leffler, McCraney, Olmsted, Ronalds, Ross, Steele, Selman, and Lowe, President.

Those who voted in the negative, were

Messrs. Bowie, Goodrell, Harned, Hedrick, Hobson, O'Ferrall, Richman, Saunders, and Shelleday.

So the vote was reconsidered.

Mr. Bissell offered the following amendment, "strike out the whole Article, and insert the following:"

"If at any time the General Assembly shall think it necessary to revise or change this Constitution they shall recommend to the electors at the next election for members of the General Assembly to vote for or against a Convention and if it shall appear that a majority of the electors voting at such election are in favor of calling a Convention, the General Assembly shall at its next session provide by law for calling a Convention, to be holden within twelve months after the passage of such law, and such Convention shall consist of a number of members not less than the number of members of the House of Representatives."

Mr. Shelleday moved to amend the amendment by striking it all out, and inserting "this Constitution shall never be altered or amended."

Which was decided in the negative.

Yeas 5—Nays 23.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bowie, Goodrell, Harned, Hobson, and Shelleday.

Those who voted in the negative, were

Messrs. Bissell, Berry, Clark, Conery, Coop, Galland, Grant, Haun, Hoskins, Hubbell, Hedrick, Leffler, Matson, McCraney, O'Ferrall, Olmsted Ronalds, Ross, Richmah, Saunders, Steele, Selman and Lowe, President

So the amendment was rejected.

On motion of Mr. Grant,

Ordered, That the Article and pending amendments be refered to a select committee.

Messrs. Grant, Shelleday and Bissell was appointed said committee.

Mr. Coop offered the following:

"Resolved. That the following sections be added by the committee on Revision to the Constitution wherever they will properly come in.

1. The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery and cases where the question of title to any real estate may arise) where the amount in controversy does not exceed one hundred dollars; and by the consent of parties may be extended to any amount not exceeding five hundred dollars.

2. No new county shall be laid off hereafter nor old county reduced to less contents than four hundred and thirty-two square miles."

Mr. Grant moved to amend the Resolution by striking out of the first section the words "and by the consent of parties may be extended to any amount not exceeding five hundred dollars."

Which was not agreed to.

The question then being on the adoption of the Resolution.

And was decided in the affirmative.

So the Resolution was adopted.

On motion of Mr. Bissell,

The Convention adjourned until two o'clock, P. M.

Two O'Clock, P. M.

The Convention met pursuant to adjournment.

Mr. Grant, from the select committee, to whom was referred the article and pending amendments, on Amendments to the Constitution, having first obtained leave for that purpose, reported the same back to the Convention and recommended the adoption of the following amendment:

"Strike out the whole article and insert the following article:

"AMENDMENTS OF THE CONSTITUTION.

"1. If, at any time, the General Assembly shall think it necessary to revise or amend this Constitution, they shall provide, by law, for a vote of the people for or against a Convention, at the next ensuing election for members of the General Assembly, and in case a majority of the people vote in favor of a Convention, said General Assembly shall pro-

vide for the election of delegates to a Convention, to be held within six months after the vote of the people in favor thereof."

On motion of Mr. Grant,

The Convention concurred in the report of the select committee.

On motion of Mr. Grant,

Ordered, That the article, as amended, be engrossed and referred to the committee on Revision.

The resolution offered by Mr. Ronalds on yesterday, was taken up; a question of order having been raised by Mr. Saunders, the chair decided the resolution to be out of order.

Mr. Leffler, from the committee on Revision, reported the article on the Judiciary Department, without amendment.

On motion of Mr. Leffler,

Ordered, That the article on the Judiciary Department be referred to a committee of five.

Messrs. Leffler, Saunders, Ronalds, Hedrick, and Steele, were appointed said committee.

Mr. Hedrick offered the following:

Resolved, That the revising committee be instructed to amend the thirty-first section of the article on the Legislative Department, by providing that an enumeration of the inhabitants of this State shall be made, by authority of the General Assembly, within one year after the ratification of this Constitution, and within every subsequent term of two years, for eight years.

Which was decided in the affirmative.

So the resolution was adopted.

Mr. Leffler, from the select committee to whom was referred the article on the Judiciary Department, reported the same back and recommended the adoption of the following amendments:

Strike out all in the third section between the word "by," where it occurs in the the second line, and the word "hold," where it occurs in the fourth line, and insert in lieu thereof, the following, "joint vote of both branches of the General Assembly, and shall;" and also strike out the word "five," where it occurs in the third section, in the seventh line, and insert in lieu thereof the word "six."

The question being on concurring in the report of the select committee,

Was decided in the affirmative.

So the report was concurred in.

On motion of Mr. Matson,
The Convention adjourned until to-morrow morning 8 o'clock.

Saturday Morning, May 16, 1846.

The Convention met pursuant to adjournment.

Mr. Saunders asked leave of absence for Messrs. McCraney, O'Ferral, and Richman.

Which was granted.

Mr. Clark offered the following :

"In the selection of any land or lands, which may have been or may hereafter be granted to this State, by the United States, (except section No. 16, in each Township,) the State shall not interfere with any settlement right, or locate any tract or tracts of land, without the consent of the occupant, provided that such exemption shall not exceed three hundred and twenty acres."

On motion of Mr. Hedrick,

The resolution was referred to a select committee.

Messrs. Hedrick, Clark, Grant, Shelleday, and Leffler, were appointed said committee.

Mr. Clark offered the following :

"No moneys which may arise from any source whatever, for school or educational purposes, or the proceeds thereof, shall ever be loaned to any bank or other incorporated company."

Which was laid over under the rules.

Mr. Leffler, from the committee on Revision, to whom the resolution had been referred instructing them to employ some person to print the Constitution and Journals of this Convention, and to employ James Mackintosh to fold and stitch the Constitution and bind the Journals, made the following report :

"That Mr. A. H. Palmer will print, for the use of this Convention, fifteen thousand copies of the Constitution at thirty-three and a half cents per copy—\$500. Three hundred and fifty copies of the Journal, two hundred and fifty dollars.

That James Mackintosh proposes to bind, in pamphlet form, the Journals, in twenty days after they are printed, at fifteen cents per copy,

that being the same price allowed for binding the Journals of the Council and House of Representatives.

That he also proposes to fold and stitch the Constitutions and have them all ready for delivery in twenty days after they are printed, at fifty cents per one hundred copies; and furnishing whatever is printed at the time of adjournment."

On motion of Mr. Shellefay,

The vote taken yesterday on the passage of the Resolution in regard to the printing of the Constitution and Journal was reconsidered.

Mr. Grant offered the following as a substitute:

Resolved, That A. H. Palmer be authorized to print eight thousand copies of the Constitution, and three hundred and fifty copies of the Journal of this Convention, and that he be allowed ten per cent advance on the prices allowed by the laws of the Territory, for all work which he has or may perform for this Convention.

Resolved, That the Secretary of this Convention distribute the copies of the Constitution and Journals among the Delegates to this Convention, and that he be allowed one hundred dollars therefor.

On motion of Mr. Grant,

The resolution was laid on the table.

On motion of Mr. Leffler,

Ordered, That a committee of three members be appointed to collect and report the expenses of this Convention.

Messrs. Hoskins, Goodrell, and Ronalds, were appointed said committee.

On motion of Mr. Goodrell,

The article on the Schedule was taken up, and

Was read a second time.

Mr. Grant moved to amend the report by striking out the sixth section and inserting the following in lieu thereof:

"The first general election under this Constitution shall be held at such time as the Governor of this Territory, by proclamation may appoint, within three months after its adoption, for the election of a Governor, two Representatives in the Congress of the United States, (unless Congress shall provide for the election of one Representative,) members of the General Assembly, and one Auditor, Treasurer, Secretary of State. Said election shall be conducted in accordance with the existing election laws of this Territory, and the said Governor, Representatives in the Congress of the United States, Auditor, Treasurer, and Secretary of State, duly elected at said election, shall continue to dis-

charge the duties of their respective offices for the time prescribed by this Constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this Territory."

Which was adopted.

Mr. Matson moved to amend the seventh section of the report by striking out of the fifteenth line, the word "and," after the word "Muscatine," and inserting after the word "Johnson," the words "and Iowa;" and also striking out of the sixteenth line the words "each one Representative," and insert the following words, "Muscatine one Representative, and Johnson and Iowa one Representative jointly."

Which was agreed to

Mr. Olmsted moved to amend the seventh section of the report by striking out all after the word "Senators," in the twenty-second and twenty-third lines, and inserting the following, "and three Representatives jointly."

Which was agreed to.

Mr. Tryon moved to amend the seventh section of the report by striking out of the nineteenth line the word "one, and insert the word "two."

Which was agreed to.

On motion of Mr. Shelleday,

The Convention resolved itself into committee of the whole on the report of the committee on the Schedule, Mr. Shelleday in the chair;

And after some time spent therein, the committee rose and reported the same back with the following amendments;

1st. Strike out of the the seventh section and second line, the words "State Legislature," and insert the words "General Assembly."

2nd. Strike out the eighth section and insert the following: "The first meeting of the General Assembly under this Constitution shall be at such time as the Governor of the Territory may, by proclamation, appoint, within four months after its ratification by the people, at Iowa City, in Johnson county, which place shall be the Seat of Government of the State of Iowa until removed by law."

Which amendments were concurred in.

Mr. Hedrick moved to amend the seventh section by striking out the sixth line, and inserting:

"The counties of Wapello and Monroe one Senator jointly, and the county of Wapello two Representatives, and the county of Monroe one Representative."

And was decided in the affirmative.

Yeas 13—Nays 12.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bowie, Clark, Conery, Dibble, Goodrell, Harned, Hedrick, Hobson, Matson, Ross, Saunders, Selman, and Shelleday.

Those who voted in the negative, were

Messrs. Bates, Galland, Grant, Haun, Hoskins, Hubbell, Leffler, Olmsted, Ronalds, Steele, Tryon, and Lowe, President.

So the amendment was adopted.

Mr. Shelleday moved to amend the seventh section of the report by striking out the fourteenth line and inserting the following:

“The counties of Keokuk and Mahaska one Senator and one Representative jointly, and one Representative each.”

On motion of Mr. Hoskins,

The Convention adjourned until 2 o'clock, P. M.

Two O'Clock, P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the article on Schedule.

The question was then put on the amendment offered by Mr. Shelleday to the fourteenth line of the seventh section,

And decided in the negative.

On motion of Mr. Dibble,

The vote taken on the amendment of Mr. Hedrick to the seventh section was reconsidered.

Mr. Selman made a motion to amend the third line of the seventh section so as to make it read as follows:

“Davis, Appanoose, Wayne, and Decatur, one Senator and two Representatives jointly.”

Which was decided in the negative.

Yeas 4—Nays 20.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Clark, Harned, Steele, and Selman.

Those who voted in the negative, were

Messrs. Bates, Bissell, Conery, Dibble, Galland, Grant, Goodrell, Haun, Hoskins, Hubbell, Hedrick, Hobson, Leffler, Matson, Ronalds, Ross, Saunders, Shelleday, Tryon, and Lowe, President.

So the amendment was rejected.

Mr. Hedrick made a motion to reconsider the votes taken this forenoon on the motions of Messrs. Tryon and Olmsted to amend the seventh section.

Mr. Tryon moved a call of the Convention.

Messrs. Berry, Bowie, Coop, Kent, and Olmsted were absent.

On motion of Mr. Ross,

Mr. Coop was excused from the call.

On motion of Mr. Galland,

Messrs. Kent and Berry were excused from the call.

On motion of Mr. Hoskins,

Ordered, That the further call of the Convention be dispensed with.

On motion of Mr. Tryon,

A division of the question was ordered,

The question was then put on reconsidering the vote taken on Mr. Tryon's motion,

And decided in the affirmative;

Yeas 15—Nays 10.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Clark, Conery, Dibble, Galland, Grant, Goodrell, Haun, Hubbell, Harned, Hedrick, Hobson, Saunders, Shelleday and Lowe, President,

Those who voted in the negative, were

Messrs. Bissell, Hoskins, Leffler, Matson, Olmsted, Ronalds, Ross, Steele, Selman and Tryon.

So the vote was reconsidered.

The question was put on reconsidering the vote taken on Mr. Olmsted's motion,

And decided in the affirmative, so far as inserting the word "three," but was left "two Representatives jointly."

Mr. Tryon made a motion to amend the seventeenth line of the seventh section, by striking out the word "each" and inserting the word "jointly."

Which was decided in the negative.

On motion of Mr. Leffler.

Ordered, That the Article be engrossed and referred to the committee on Revision.

Mr. Hedrick from the committee to whom was referred the Resolution offered this morning by Mr. Clark, in regard to the State Lands, reported the following provision:

"The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State and the location of which may be given the General Assembly, upon lands actually settled without the consent of the occupant.

The extent of the Claim of such occupant shall not exceed three hundred and twenty acres.

Mr. Haun made a motion to amend the report as follows:

"Strike out after the word "settled" to the word "occupant" inclusive, and insert "unless the General Assembly shall agree to take \$1.25 per acre for all the lands so occupied or settled;"

Which was decided in the negative.

The Report was then concurred in by the Convention.

Mr. Clark asked and obtained leave, and offered the following as an amendment to the thirty-first section of the Article on the Legislative Department.

"And shall also at every subsequent regular session apportion the House of Representatives and every other regular session the Senate for eight years."

Which was adopted.

Mr. Olmsted asked and obtained leave, and offered the following resolution:

"Resolved, That the committee on Schedule be instructed to report an apportionment for the members of the first General Assembly to be elected after the adoption of the Constitution so that the number of Representatives shall not exceed thirty-two, nor of the Senate sixteen, and that in apportioning the Representatives they be instructed as nearly as consistent to adopt the apportionment established by the Legislature of this Territory for the election of the members of this Convention."

Which was laid over under the rules for one day.

Mr. Leffler from the committee on Revision reported back to the Convention the several Articles on Preamble and Boundaries, Bill of Rights, Militia, Education and School Lands, Incorporations, and Right of Suffrage.

Mr. Tryon moved to amend the Article on the militia by striking out of the first section the word "persons" and inserting "citizens."

Which was adopted.

On motion of Mr. Hoskins,

The article on Preamble and Boundary was referred to the committee on Revision.

The article on Bill of Rights was read a third time and passed.

The article on the Right of Suffrage was taken up and read a third time.

Mr. Matson moved to amend the last section by adding, "unless restored to the right of suffrage by an act of the General Assembly."

Which was agreed to.

The article as amended was then passed.

The article on Education and School Lands was then read a third time and passed.

The article on Incorporations was read a third time, and the question being on its passage,

Was decided in the affirmative,

Yeas 18—Nays 6.

The yeas and nays being demanded by two members,

Those who voted in the affirmative, were

Messrs. Bates, Bissell, Clark, Conery, Dibble, Galland, Grant, Haun, Hoskins, Hubbell, Leffler, Matson, Ronalds, Ross, Steele, Selman, Tryon and Lowe, President.

Those who voted in the negative, were

Messrs. Goodrell, Harned, Hedrick, Hobson, Saunders, and Shelleday.

So the article passed.

The article on State Debts was read a third time and passed.

The article on the Militia was read a third time and passed.

Mr. Leffler from the committee on Revision reported the article on Preamble and Boundary, to the Convention without amendment.

On motion of Haun,

The report of the committee was concurred in.

The article on Preamble and Boundary was read a third time and passed.

Mr. Leffler presented an account in favor of Peter Conboy for \$10. which on his motion was referred to the Select committee on expenses.

Mr. Leffler presented a communication from Mr. A. H. Palmer in reference to printing the Constitution and Journals, which

On motion of Mr. Leffler,

Was referred to the committee on expenses.

Mr. Bates presented an account in favor of A. L. Gray for \$1,50 which on his motion was referred to the committee on expenses.

On motion of Mr. Steele,

The Convention adjourned until Monday morning at 9 o'clock.

Monday Morning, May 18, 1846.

The Convention met pursuant to adjournment.

Mr. Tryon moved to take from the table the resolution offered by Mr. Olmsted on Saturday.

Which was not agreed to.

The resolution offered by Mr. Grant on Saturday, in relation to printing the Constitution and Journals, and the distribution of the same, was taken up for consideration.

Mr. Steele moved to amend the resolution by striking out the word "ten" and inserting the word "twenty."

Which was agreed to.

Mr. Tryon moved to amend the resolution by striking out the words "one hundred" and inserting the words "two hundred and fifty."

Which was not agreed to.

Mr. Hedrick moved to amend the resolution by striking out the word "one" and inserting the word "two."

Which was adopted.

The question then being on the adoption of the resolution, was put, And decided in the affirmative.

So the resolution was adopted, which reads as follows:

Resolved, That A. H. Palmer be authorized to print eight thousand copies of the Constitution, and three hundred and fifty copies of the Journals of this Convention, and that he be allowed twenty per cent. advance on the prices allowed by the laws of the Territory, for all work which he has or may perform for this Convention.

Resolved, That the Clerk of this Convention distribute the copies of the Constitution and Journals among the Delegates to this Convention, and that he be allowed two hundred dollars therefor.

Mr. Ross offered the following:

Resolved, unanimously, That the thanks of this Convention be tendered to the Honorable Enos Lowe, for the able, and dignified, and impar-

tial manner in which he has discharged the duties of President of this Convention.

Which was laid over under the rules for one day.

Mr. Matson offered the following :

Resolved, That the President of this Convention be allowed forty-eight dollars, extra pay, for his services as President of this Convention.

Which was adopted.

On motion of Mr. Leffler,

The rules of the Convention were suspended, and the resolution offered by Mr. Ross to-day was taken up for consideration.

Mr. Hedrick offered the following substitute for said resolution :

Resolved, unanimously. That the thanks of this Convention be tendered to the Hon. Enos Lowe, for the able and dignified manner in which he has discharged the duties of President of this Convention.

Which,

On motion of Mr. Selman,

Was laid on the table.

The question being on the adoption of the resolution, was put, And was unanimously adopted.

Mr. Hays offered the following resolution :

Resolved. That the President of this Convention be authorized to issue certificates to the members, for their per day allowance and mileage, which shall be countersigned by the Secretary ; also to the officers of the Convention and others, to whom allowances have been made by the Convention.

Which was adopted.

Mr. Leffler, from the committee on Revision, reported the several articles on the Judiciary Department, Executive Department, Legislative Department, and on Amendments to the Constitution,

With amendments.

Which report was concurred in.

On motion of Mr. Matson,

The Convention adjourned until 2 o'clock, P. M.

Two O'clock, P. M.

The Convention met pursuant to adjournment.

The article on the Legislative Department was read a third time and passed.

The article on the Executive Department was read a third time and passed.

The article on the Judiciary Department was read a third time and passed.

The article on Amendments to the Constitution was read a third time and passed.

Mr. Bates, from the committee on Revision, reported the article on the Schedule, and also a Miscellaneous article.

Which report was concurred in.

The article on the Schedule was read a third time and passed.

The Miscellaneous article was read a third time and passed.

Mr. Tryon offered the following :

Resolved, That as soon as the Constitution is printed it shall be the duty of the Secretary of this Convention to immediately proceed to the distribution of the same, equally among the members of this Convention.

Which was adopted.

Mr. Ronalds, from the committee on Expenses, made the following report :

The majority of the select committee appointed to ascertain and report the expenses of this Convention, have instructed me to make the following report.

J. HN RONALDS.

Your committee have had the subject assigned them under their consideration, and would respectfully report the following charges, with the bill of items :

W. A. Skinner, Sergeant-at-Arms, - - - -	\$58 00
George T. Andrews, fitting up room, - - - -	2 00
J. S. Kimball & Co. for paper for use of Convention, - -	40 00
B. T. David, for quills, - - - - -	10 00
Jesse Williams, for transportation, . - - - -	1 00
A. L. Gray, for assisting in fitting up room, - - - -	1 50

A. H. Palmer, for incidental printing, - - - -	195 07
Peter Conboy, for fitting up room for this Convention, -	5 00
Wm. Thompson, Chief Clerk, per diem, - - - -	80 00
George S. Hampton, Assistant Clerk, - - - -	80 00
Pay of members as provided for by law, - - - -	1,536 00
Mileage of members as provided for by law, - - - -	787 50
Enos Lowe, extra pay as President of this Convention, as per resolution, - - - - -	48 00

On motion of Mr. Tryon,

Resolved, That the report be concurred in, and the several amounts therein named allowed.

On motion of Mr. Matson,

The Convention adjourned until half past six o'clock, P. M.

Half Past 6 O'Clock.

The Convention met pursuant to adjournment.

Mr. Ronalds, on leave being granted, introduced the following

ORDINANCE.

Be it ordained by the Convention assembled to form a Constitution for the State of Iowa, in behalf of the people of said State, That the following propositions shall be made to the Congress of the United States, which, if assented to by that body, shall be obligatory on this State.

1. Section number sixteen in every surveyed township of public lands, and where such section has been disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of common schools.

2. The seventy-two sections of land set apart and reserved for the use and support of a University by an act of Congress, approved on the twentieth of July, one thousand eight hundred and forty, entitled "An act granting two townships of land for the use of a University in the Territory of Iowa," shall be applied solely to the use and support of such University in such manner as the General Assembly may direct.

3. That one quarter section of land in each township be granted to

the State for the purpose of purchasing a common school library for the use of such township.

4. That five per cent of the nett proceeds of the sales of all public lands lying within this State, which shall be sold by Congress after the admission of the State into the Union, shall be granted to the State for the use of common schools.

That in consideration of the grants specified in the four foregoing propositions, it is declared that this State will never interfere with the primary disposal of the soil within the same, by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bonafide purchaser thereof, and that no tax shall be imposed on lands, the property of the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

Which was read a first time.

Mr. Lefler moved that the rules of this Convention be suspended, and that the Ordinance be now read a second and third time.

Which was decided in the affirmative.

The Ordinance was then read a second and third time and passed.

On motion of Mr. Ross,

The Convention adjourned until to-morrow morning 6 o'clock.

Tuesday Morning, May 19, 1846.

The Convention met pursuant to adjournment.

Mr. Bates presented a proposition from James Mackintosh to stitch and bind the Constitutions and Journals within 20 days from the time they were printed.

On motion of Mr. Matson,

"*Resolved*, That James Mackintosh be employed to bind 350 copies of the Journals of this Convention at fifteen cents per copy, and that he be required to perform the same within twenty days from the time when the same shall be printed; and that the said James Mackintosh be employed to fold and stitch eight thousand copies of the Constitution within five days from the time that the printing of the same shall be completed, and that he be allowed fifty cents per hundred."

The several Articles of a Constitution having been passed, by the Convention, the members of the Convention came forward and signed the same, which was also attested by the Secretary; and is as found prefixed to this Journal.

Mr. Bates then moved that this Convention adjourn *sine die*.

Before the question was put the President addressed the Convention as follows:

Having finished the business of your Convention, the time has arrived for us to separate; but before performing the last and only act which devolves upon me as your presiding officer, I must do myself the unfeigned satisfaction of tendering you my thanks for your kind aid and forbearance in moments of doubt and difficulty, in the discharge of my duties. I do not flatter myself that I have given entire satisfaction to all, this I did not consider myself able to do; but I did hope to satisfy this entire convention, of a correctness of intention at least, and that errors if committed, were not designed.

If in the course of our proceedings, ought has transpired to ruffle the kindlier feelings, the magnanimity which has marked your intercourse, assures me that it has passed by with the occasion which gave rise to it, and that the moment of parting will also be the moment of oblivion to every occurrence calculated to darken the reminiscences of this Convention.

The Constitution which you have formed for the basis of a State government, will shortly be submitted to the people for their ratification or rejection, and its fate will at once become a matter of interest to every citizen; and believing as I do, that its principles are republican, and that its restrictions are in accordance with the dictates of wisdom and experience, it doubtless will receive the sanction of all who are in favor of a State government, and who put a similar estimate on its qualities and provisions. All who find the Constitution to accord with their views, and are of opinion that our condition is sufficiently mature to dispense with the guardianship of the general government, will give it their approval. Then let me ask, are we ready for this change in our relations with the parent government?

With a territory of matchless beauty, rich in her resources—her woodlands and prairies—her valleys and uplands—her rivers and brooks—her minerals and agricultural products—and the large patrimony which she will receive in grants of the public domain and its proceeds—and a population of not less than a hundred and twenty thousand souls, Iowa appears to be ripe for entering into the Union.

Gentlemen, allow me in conclusion to wish you health, happiness and prosperity, that you may safely reach your homes, your families, and friends, that your labors may be rewarded by the approbation of the people, and that you may soon have the satisfaction of seeing Iowa take her place in the union of the States.

The question was then put,

And decided in the affirmative,

And the Convention adjourned accordingly.

APPENDIX.

RULES OF THE CONVENTION.

1. The President shall take the chair every day precisely at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the Convention to order, and on the appearance of a quorum shall cause the journal to be read.

2. He shall preserve order and decorum, and may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Convention by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, "as many as are of opinion that, (as the case may be,) say aye;" and after the affirmative voice is expressed, "as many as are of the contrary opinion, say no." If the President doubt, or a division be called for, the convention shall divide; those in the affirmative of the question shall first rise from their seats, afterwards those in the negative.

5. The President shall examine and correct the Journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

6. All committees shall be appointed by the President, unless oth-

wise specially ordered by the Convention, in which case they shall be elected *viva voce*.

7. The first named member of any committee, shall be its chairman, and in his absence, or being excused by the Convention, the next named member, and so on, unless the committee, by a majority of their number, elect a chairman.

8. All addresses and motions shall be made to the President; the member rising from his seat for that purpose, and shall confine himself to the question under debate, and avoid personality.

9. On any question the yeas and nays shall be taken if requested by two members.

10. That there be appointed standing committees composed of five members, on the following subjects.

1. On Boundaries.
2. Executive Department.
3. Legislative Department, Suffrage, Citizenship, Education and School Lands.
4. Judicial Department.
5. Incorporations, Internal Improvements and State Debts.
6. Schedule.

11. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged.

12. A motion to adjourn, and a motion to fix a day on which the Convention shall adjourn, shall always be in order, the motion to adjourn and the motion to lie on the table shall be decided without debate.

13. The previous question shall be put in this form, "shall the main question now be put." It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the Convention to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; on a motion for the previous question and prior to the demanding the same, a call of the Convention shall be in order, but after a majority shall have demanded such motion, no call shall be in order prior to the decision of the main question.

14. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided by the President without debate, but subject to an appeal.

15. When a motion has been made and carried in the affirmative or negative, it shall be in order for any member voting with the majority, to move for a reconsideration thereof, on the same or the succeeding day, of the sitting of the Convention, and such motion shall take precedence of all other motions, except the motion to adjourn.

16. The rules of Parliamentary practice comprised in Jefferson's Manual, shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Convention.

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